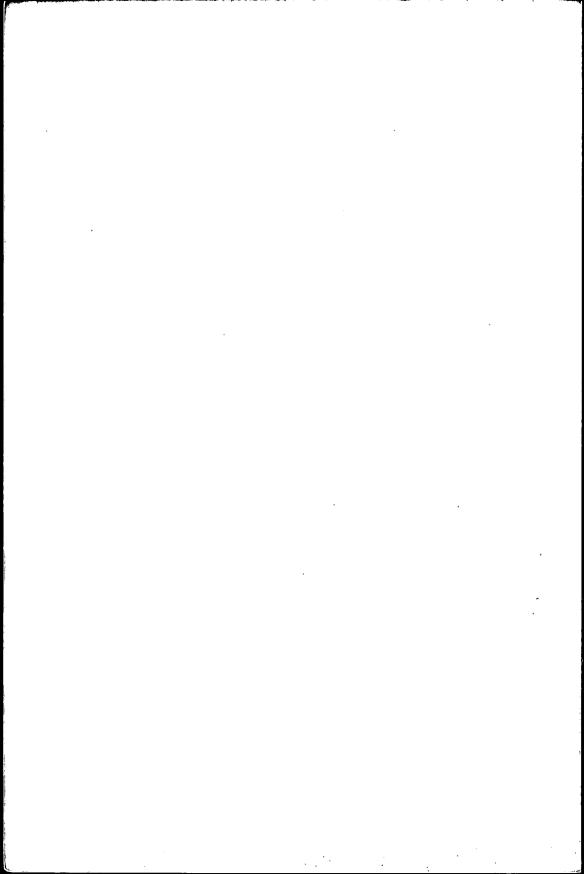
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MODERNIZING THE
EXECUTIVE BRANCH
OF THE
MARYLAND GOVERNMENT

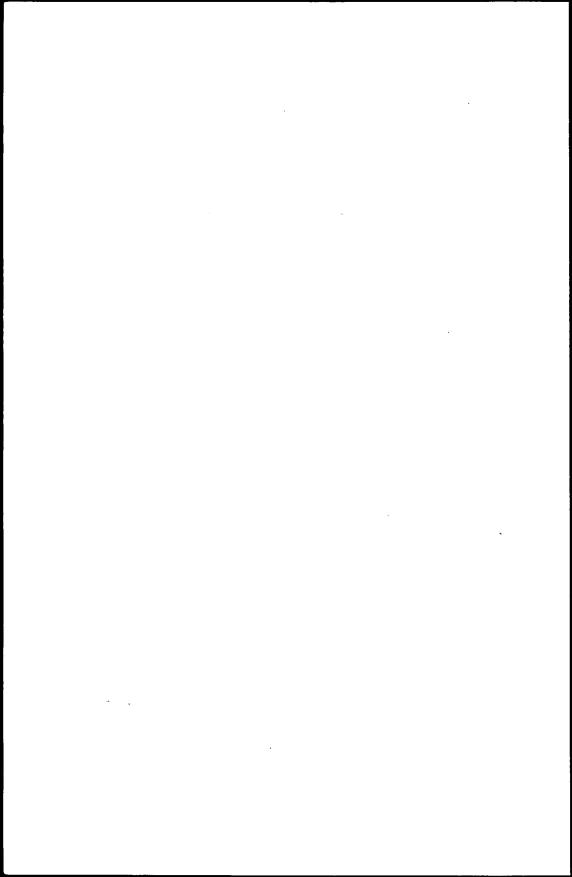
The Report of the Commission for the Modernization of the Executive Beanch of the Maryland Government



MODERNIZING THE EXECUTIVE BRANCH OF THE MARYLAND GOVERNMENT

The Report of the Commission for the Modernization of the Executive Branch of the Maryland Government





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COMMISSION FOR THE MODERNIZATION OF THE EXECUTIVE BRANCH OF THE MARYLAND GOVERNMENT

BUREAU OF GOVERNMENTAL RESEARCH
COLLEGE OF BUSINESS AND PUBLIC ADMINISTRATION
UNIVERSITY OF MARYLAND

COLLEGE PARK, MARYLAND 20740

January 10, 1967

To His Excellency, J. Millard Tawes Governor of Maryland

Sir:

The Report of the Commission for the Modernization of the Executive Branch of the Maryland Government is submitted herewith.

This Commission was appointed by Governor J. Millard Tawes in the summer of 1966 to conduct a study of the executive branch of the Maryland government. In his charge to the Commission, the Governor stated that "the first and fundamental need is for a comprehensive and historic study leading to the modernization and streamlining of the State's administrative organization."

The Governor asked the Commission to bring in its report by January of 1967. Because of the short six-months period available to it, the Commission decided to focus primary attention on ways and means of sharpening the basic tools of executive management. Three steps seem immediately essential to us:

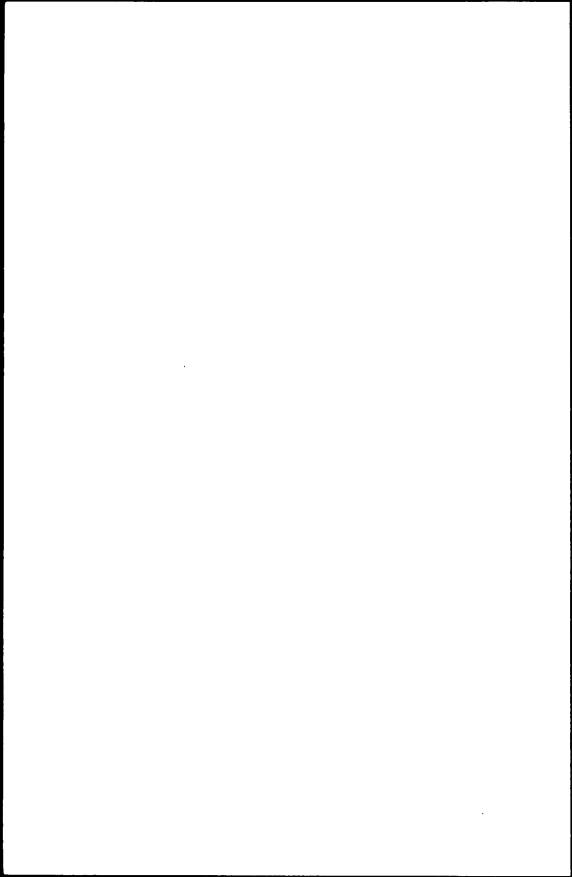
- (1) The Governor's staff should be strengthened by the appointment of program coordinators who can provide continuous review and coordination of the State's major executive activities and keep the Governor and the executive departments in constant communication with each other;
- (2) Executive reorganization should become a continuing responsibility of State government and should be carried on by a permanent agency directly responsible to the Governor;

(3) Consideration should be given, as recommended in the Report of this Commission, to authorizing the Governor to initiate reorganization plans which would become effective within a specified period of time, if not disapproved by the legislature.

There are many problems of the executive branch which the Commission has not had adequate time to consider. We strongly feel that there are areas in which major economies could be achieved by the elimination or consolidation of existing activities, as well as other programs where efficiency in the sense of service to the citizen could be greatly enhanced. We submit this Report with the hope that these and other issues will be examined as promptly as possible by a permanent agency charged with continuing responsibility for executive reorganization.

Respectfully submitted,

John N. Curlett, Chairman



ACKNOWLEDGMENTS

The Commission would like to express its appreciation to all the State officials who cooperated with this study. Questionnaires were sent to all State agencies requesting information on their activities and problems and the Commission relied very heavily on the returns of the questionnaire in the preparation of this report. In addition, members of the Commission and its staff consulted with many of these officials and the help they received was valuable to the success of the Commission.

Members of the Commission express appreciation to the University of Maryland, which made facilities available for the staff records and activities of the Commission, and to the Bureau of Governmental Research of the University; Dr. Jean E. Spencer, Research Associate there, served as Staff Director for the Commission.

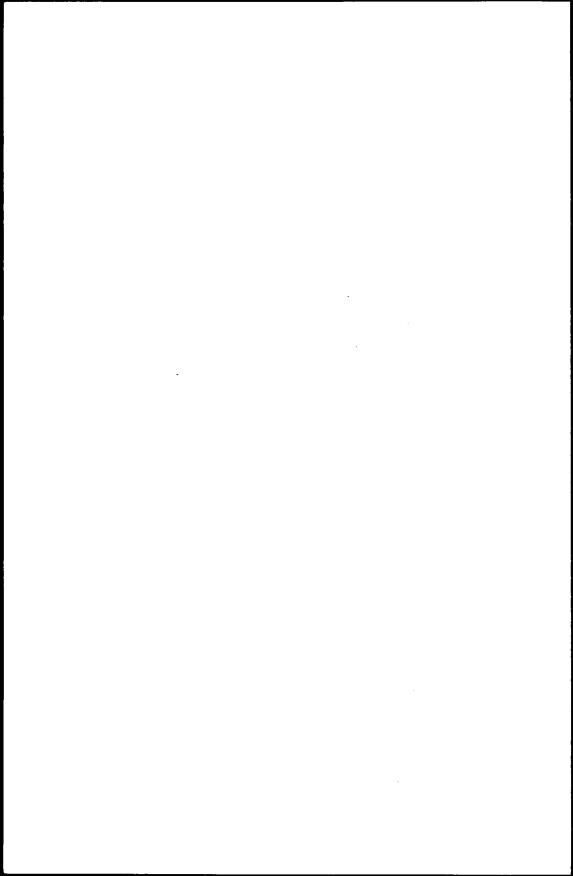
The Commission would also like to acknowledge the valuable service rendered by members of its staff, who collected data used as background information for members of the Commission and who drafted preliminary statements which were used as a basis for the development of the final report. Staff for the Commission included Gerald M. Richman, Joseph J. Contrucci, Daniel E. Conway, Jr., Robert Dugan, Phillip A. Kahler, Paul E. Krieger, Richard Lawrence, David B. Lipkin, Gary W. Litchfield, David E. Seaman, Robert E. Sharkey, Joseph J. Sperber, and Michael G. Staed.

TABLE OF CHARTS

COMMERCE	, LABOR, AND INDUSTRY	Page
Chart 1	Present Organization of Commerce, Labor and Industry	15
EDUCATION	, HEALTH, AND WELFARE	
Chart 1	Present Organization of Education	27
Chart 2	Suggested Relationships for Education	30
Chart 3	Present Organization of Health	33
Chart 4	Suggested Relationships for Medical Care and Environmental Health	36
Chart 5	Present Organization of Welfare	39
Chart 6	Suggested Relationships for Citizens' Services	41
NATURAL R	ESOURCES	
Chart 1	Present Organization of Natural Resources	45
Chart 2	Suggested Relationships for Natural Resources—Special Assistant Concept	49
Chart 3	Suggested Relationships for Natural Resources—Single Department Concept	51
LAW ENFOR	CEMENT AND PUBLIC SAFETY	
Chart 1	Present Organization of Law Enforcement and Public Safety	59
FISCAL MAN	NAGEMENT	
Chart 1	Present Organization of Fiscal Management	77
FEDERAL-ST	CATE-LOCAL RELATIONS	
Chart 1	Present Organization of Federal-State-Local Relations	86

CONTENTS

	P	age
REPOF	RT OF THE COMMISSION	1
	RTS OF THE DMMITTEES TO THE COMMISSION	
I.	Commerce, Labor, and Industry	14
II.	Education, Health, and Welfare	23
III.	Natural Resources	43
IV.	Law Enforcement and Public Safety	57
V.	Fiscal Management	73
VI.	Federal-State-Local Relations	84



THE REPORT OF THE COMMISSION FOR THE MODERNIZATION OF THE EXECUTIVE BRANCH OF THE MARYLAND GOVERNMENT

MODERNIZING THE EXECUTIVE BRANCH OF THE MARYLAND GOVERNMENT

In recent years, the executive branch of the Maryland government has been characterized by a mushrooming of administrative units, including boards, commissions, and a variety of bureaus and agencies. This administrative explosion is a direct result of the growth of the State's responsibilities and activities and will accelerate rather than abate in the years to come, unless there are proper facilities to guide executive growth and development. Only in this way can Maryland continue to respond effectively to the needs of its citizens, the opportunities and pressures generated by federal programs, and the rapid urbanization of a large portion of the state.

The continuing growth of the executive branch has seen the establishment of new agencies at an average rate of approximately one new unit every four months for the past half century. Today, there are more than two hundred and forty departments, boards, commissions, and others units within the executive branch of State government. Some are obsolete; some perform functions which may overlap or duplicate those of other units; many require change and redefinition. In recent years, some have been divided or divested of certain responsibilities; others have been combined or placed in closer working relationship with related units.

From its survey of the executive branch, this Commission believes that steps toward the elimination, consolidation, coordination, and reduction of the number of units within that branch should be undertaken. Because of the limited time available to the Commission, this task must now be undertaken by a permanent agency charged with continuing responsibility for modernization. Unless this is done, there can be no meaningful reduction of the costs of government and no effective modernization of the executive branch.

The exceptionally rapid growth of the executive branch in recent years has had a severe impact upon traditional channels of communication and procedures for program coordination within State government. For those who have primary responsibility for administering the major programs of State government — the Governor and the heads of major operating units — the gradual erosion of customary techniques of communication and coordination has placed a heavy burden upon both their time and energies.

The principal device through which the State has attempted to meet the need for improved communication and coordination is by the establishment of special boards or commissions with a membership made up of the heads of departments whose activities are closely related. Units of this kind often function within the executive branch as "little cabinets" and have come to play an essential role in Maryland government.

However, the Commission has found that there are serious weaknesses in this "little cabinet" device. For one thing, while the participation of department heads in the discussions of these special units has facilitated interdepartmental communication, the number of special units and the frequency with which they meet often imposes a heavy burden upon department heads who are members of such boards. Several department heads, either by law or by assignment, sit on from two to ten or more separate coordinating and other special interdepartmental units. The requirement of time alone, when such units meet regularly and often, has become a staggering load for the officers concerned.

A second major weakness in the present "little cabinet" system lies in its reliance upon the participation and decision-making of co-equals on a board which has neither separate staff facilities nor a chairman with effective power of leadership. As a result, the efforts of many of these special executive units have in the past been characterized by a marked inability to resolve major questions or to take action on salient problems as they emerge.

But if major problems which arise within or among executive units can find no effective solution within these "little cabinets," they must find resolution in the office of the Governor: some issues which should not require the attention of the Governor thus come to his desk while others which should have his immediate consideration may be delayed or transmitted in insufficient time for full executive evaluation and action. Moreover, plans and programs which may be under consideration in the office of the Governor, or in other units of the executive branch not directly participating in a "little cabinet," may not be communicated to all interested units in time to receive the full consideration they deserve.

The Commission finds that the development and utilization of "little cabinet" units within the executive branch has been a significant and realistic innovation in executive organization and procedures in recent years. However, in many cases, apparent limitations of this system clearly call for an immediate and careful review of this concept and, where necessary, for the development of more effective techniques for securing communication and coordination within the executive branch.

The Commission recommends that the Governor be immediately authorized to develop within his office a staff of highly-qualified program coordinators whose primary duties and responsibilities will be to provide channels of communication and program coordination which will assure effective executive leadership and the full and timely communication between the Governor and the various units of the executive branch and between and among the several executive departments.

From their examination of State government the subcommittees of the Commission have identified, in their reports to the Commission, several major functional groupings which could logically serve as assignment areas for such staff officers. At the same time, the Commission fully recognizes that the duties of such staff officers must rest solely and finally with the Governor. Flexibility of assignment, in recognition of changing program content and requirements, will be of central importance to the successful development of this executive staff arrangement.

Coordination and communication through staff officers of the Governor is not an innovation in Maryland government but is one which has not attained the full development which executive leadership and modernization today require. The full recognition of the need for an adequate staff of such officers will do much to modernize the executive branch. The primary purpose of such staff development lies in the immediate need for effective channels of communication and coordination which cannot otherwise be made available within the existing structure of the executive branch. The effectiveness of these program coordinators will depend upon their professional ability and the Governor's success in assigning them appropriate responsibilities.

In the opinion of the Commission, the need to develop an adequate staff of program coordinators in the office of the Governor is an indispensable first step in the modernization of Maryland government.

CONTINUING MODERNIZATION: AVENUES AND FACILITIES

One of the major problems directly affecting the modernization of the executive branch is the present absence of any facility, program, or unit of government which can continuously evaluate change within the executive branch and design plans and recommendations for future growth and development.

In the opinion of the Commission, executive modernization and the design of sound structures and processes through which State policies, programs, and plans can find effective expression, can no longer be relegated to the status of a periodic undertaking, assigned to an *ad hoc* body such as this Commission itself. At no time in the history of the State has the need for continuing study of executive organization been more apparent.

The Commission recommends that a special administrative unit be established within the office of the Governor and given primary and full-time responsibility for examining each unit, program, and procedure of the executive branch and for recommending to the Governor, for his consideration and action, such changes in the organization of the executive branch as may be considered necessary and desirable.

The role of this unit should include the continuing examination of executive structure and administration, the development of specific recommendations for organizational, procedural, program, and staff improvement, and the preparation of a comprehensive and flexible plan for State executive modernization.

There are two major areas which the Commission feels should be given immediate consideration as part of any future study of executive modernization. First, steps should be taken to identify and establish, as necessary, channels of effective communication not only within the executive branch itself, but also between and among the three branches of government, between the State and other governmental units, and between the State and its citizens.

Second, steps should also be taken to develop realistic criteria for the continuing evaluation of State governmental organization, programs, and procedures. Careful distinctions can and should be made between the use of ordinary state agencies for carrying on the everyday business of the state and the employment of auxiliary units, such as boards and interdepartmental units, for coordination, policy-making, and advisory purposes on either a full-time or temporary basis. The evaluation of organizational forms must also recognize the impact of such organizational procedures as the role of the Governor in the appointment and removal

of major executive officers, the role of citizen boards and citizen participation in the development of policies and the administration of programs, and the insulation of certain executive units and activities from executive direction. Attention should also be given to the need to establish standards for the measurement of the cost, productivity, effectiveness, and efficiency of each executive program.

The development of adequate criteria for the evaluation of State activities should make it possible to determine the value of the several units, roles, and objectives of the executive branch and to highlight and eliminate any inefficiencies and duplications within the existing structure. The need for establishing new programs, wherever necessary, will also be made clear.

The creation of a special task force within the office of the Governor charged with these responsibilities is, in the opinion of this Commission, a vital and immediately necessary step through which modernization can become a continuing process in State government. Ultimately, as modernization becomes a more fully-defined activity, the responsibilities of this special task force should be assigned to a permanent unit of State government, either to an existing unit such as Budget or Planning or to a new unit such as a Department of Administration, as may be appropriate.

EXECUTIVE MODERNIZATION: THE ROLE OF THE GOVERNOR

One critical and vital aspect of executive reorganization which in past decades has largely been overlooked in Maryland and in other states is that of the role and responsibility of the Governor in the area of administrative organization. Until modern times, all reorganization efforts, at both the state and federal levels, depended almost exclusively upon ad hoc studies and recommendations and upon legislative initiative and action.

Today, the need for gubernatorial leadership in the development of recommendations for executive reorganization and modernization is of major importance. Contemporary patterns of executive growth, and the very real prospect that such growth will increase in tempo in the years to come, require the prompt development of an effective avenue for executive reorganization by means of gubernatorial initiative.

At the present time, Maryland constitutional and statutory provisions permit only a single avenue for executive reorganization. This avenue requires that all proposals for executive reorganization formally originate in the legislature; that they be considered by each house, where they may be modified or tabled; and that they be approved by each house and

transmitted to the Governor for his approval, if they are to become law. The Commission recommends that provisions be enacted which will grant to the Governor a clearly defined role and area of responsibility in the development and proposal of reorganization plans for the executive branch. Those gubernatorial proposals which affect existing law would be submitted to the legislature, for that body's consideration and action, within a specified period of time. Legislative action on gubernatorial proposals should be limited to approval or rejection and should not include amendment or other modification. The definition of legislative action to include approval or rejection but not modification is of primary importance: if the Governor's responsibility for executive reorganization is to become a meaningful concept, his proposals should be fully evaluated by the legislature and, if found necessary and desirable, approved, or, if found unnecessary or undesirable, disapproved. Legislative modification of such proposals, however, would seem to add neither to the definition or clarification of the Governor's responsibilities, nor to the present scope of the legislature's power in matters of executive reorganization. Through its present powers, the legislature already possesses full opportunity for setting forth its own proposals for executive reorganization. Its modification of executive proposals, therefore, would add nothing to its present scope of initiative and action but would substantially blur the Governor's responsibility for the impact or effectiveness of any proposals which he may submit for legislative consideration and action.

Since the question of developing an executive avenue for reorganization is now being considered by the Constitutional Convention Commission and since the question will, in all probability, receive full consideration and action on the part of the Constitutional Convention itself, this Commission recommends further that, in developing provisions for executive initiative in Maryland, the following questions of executive and legislative responsibility be given careful consideration: the role of the Governor in initiating reorganization proposals, including time requirements for the submission of such proposals to the legislature; the Governor's role in determining the date of effectiveness for legislatively-approved proposals; the role of the legislature in response to executive proposals for reorganization, including actions which it may take, time requirements for such action, and the vote which should be required in each house to approve or reject such proposals.

Some members of this Commission feel that attention should also be given to the question of whether legislative action on reorganization plans should extend to include modification or amendment of such plans. There is also one member's view that there be no executive initiative. Recent federal and state experience in the enactment of provisions authorizing executive responsibility in reorganization matters provide experience upon which Maryland can draw. The earliest provisions for executive reorganization were those developed at the federal level, in response to recommendations of the President's Commission on Administrative Management in 1937. Federal law on reorganization clearly recognizes the traditional and continuing role of the Congress in executive reorganization, but modifies that role by allowing for executive initiative. In effect, Congress retains its exclusive powers to create or abolish any department, agency, or other unit of the executive branch, but it also authorizes the President to initiate reorganizational proposals which are to be submitted to the Congress for its consideration. If not rejected by the Congress within sixty days, such proposals then become effective.

At the federal level, the creation of an executive avenue for initiative, which parallels that of the legislature, has neither invaded the legislature's exclusive power to define, by law, the nature and operations of the executive branch nor impaired its role in providing an effective check on executive proposals for reorganization. Rather, it creates a limited executive role in initiating reorganization proposals and insures, by providing a fixed time period for legislative action, that legislative response will be promptly forthcoming.

The success of the federal experiment in creating an executive channel for reorganization has prompted the redefinition of the role of the governor in matters of executive organization in several states. In substance, the thrust of recent state efforts has been two-fold: to create a formal role for the governor and to clarify executive-legislative responsibilities regarding changes in executive organization.

In the early 1950's, both New Hampshire and Puerto Rico enacted statutory provisions which authorized the chief executive to initiate executive reorganization proposals and to submit them to the legislature for consideration and action. More recently, other states have enacted similar laws, all of which reflect individual state practice, expectations, and needs.

In 1955, Pennsylvania adopted statutory provisions which authorized the reorganization of specified bureaus and smaller units within the executive branch and, at the same time, authorized the governor to initiate proposals for such reorganization and to submit these plans to both houses of the legislature. If not disapproved by either house within thirty days, a proposal automatically becomes effective. In effect, units below the departmental level can, by executive proposal and with legislative consent, be abolished, consolidated, or transferred among existing departments. De-

partments themselves, however, can be created, abolished, or consolidated only by traditional procedures of legislative initiative and approval.

In 1958, the Michigan legislature authorized that state's governor to submit proposals for executive reorganization to the legislature within the first thirty days of any regular session. Such proposals become effective if they are not disapproved by either house within sixty days or unless submitted to popular referendum within ninety days of legislative adjournment. In 1964, further reorganizational procedures were authorized when a new constitution was adopted in Michigan. Under the new constitutional provisions, the legislature has authorized the consolidation of the existing 128 departments and other executive units into nineteen major departments. Specific consolidations become effective upon order of the governor, unless modified or repealed by legislative action.

In 1959, the Oregon legislature authorized the governor to propose sweeping reorganizational changes in the state's administrative agencies. Each house has forty-five days in which to consider, and to accept or reject, any reorganizational proposal submitted by the governor. By specific statutory provision, legislative modification or other amendment of executive proposals is prohibited.

In 1962, the Kentucky legislature passed a reorganization act which makes it possible for the governor to group related departments into legislatively-designated agencies, under the direction of an agency head. The Kentucky act further authorizes the governor to create other new agencies by consolidating existing departments and units, subject only to legislative ratification.

Recent provisions enacted in the State of Alaska are of particular interest since they, along with recent Michigan provisions, are the first reorganization provisions to be set forth in constitutional rather than statutory form. In the following language, the Alaska constitution now authorizes the governor to take initiative in matters of executive reorganization:

The governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders. The legislature shall have 60 days of a regular or a full session if of shorter duration, to disapprove these executive orders. Unless disapproved by resolution concurred in by a majority of the members in joint session, these orders become effective at a date thereafter to be designated by the governor.

In very recent years, studies in several other states have resulted in recommendations and efforts to develop an avenue for executive initiative in reorganization. Georgia, on the recommendation of a study commission, has authorized the governor to consolidate state departments, subject to legislative review. In Arizona, a committee to study the executive branch of that state's government recommended a strong reorganization provision, under which the legislature would be required to reorganize all state agencies into not more than twenty principal departments and to do this within two years, failing which such reorganization could also be accomplished by executive order. The Arizona study committee also proposed that the governor be empowered to make such subsequent changes in executive organization as he may consider necessary for effective administration. Such changes would be effective unless rejected within sixty session days by a majority of the members of each house of the legislature. A minority of the committee, however, had urged a much stronger provision, which would have required a two-thirds vote of the members of each house to reject a gubernatorial reorganization proposal.

A further guideline for consideration of a new executive role in Maryland is available through the recommendations of such national civic organizations as the National Municipal League which, in its *Model State Constitution*, recommends the functional grouping of executive and administrative departments within the executive branch and the establishment of formal procedures for the continuing reorganization of that branch. Specifically, the League recommends state consideration of the following constitutional provision:

. . . The legislature shall by law prescribe the functions, powers and duties of the principal departments and of all other agencies of the state and may from time to time reallocate offices, agencies, and instrumentalities among the principal departments, may increase, modify, diminish or change their functions, powers and duties and may assign new functions, powers and duties to them; but the governor may make such changes in the allocation of such functions, powers and duties, as he considers necessary for efficient administration. If such changes affect existing law, they shall be set forth in executive orders, which shall be submitted to the legislature while it is in session, and shall become effective, and shall have the force of law, sixty days after submission, or at the close of the session, whichever is sooner, unless specifically modified or disapproved by a resolution concurred in by a majority of all the members of each house.

The authorization of a formal gubernatorial role in initiating reorganization proposals introduces into state government new concepts of both executive and legislative responsibility for executive modernization. Under provisions now in effect in other states, the governor's traditional and formal role in reorganization — the vetoing or approving of legislativelyenacted reorganization provisions — has been broadened to include the executive initiation of reorganizational proposals. At the same time, the legislature's traditional and formal role of initiating and approving such proposals has been broadened to include consideration and action on gubernatorial proposals. In effect, recent state efforts have created a second major avenue for initiative in matters of executive reorganization, while leaving undisturbed the traditional roles of both the governor and the legislature in reorganization matters. Equally, these provisions have neither disrupted nor challenged the traditional concept of executivelegislative checks and balances. Rather, they provide a clearer definition of executive and legislative roles in the continuing modernization of the executive branch and thereby strengthen and clarify the responsibilities of the executive and legislative branches for such modernization. The legislative veto over reorganization proposals of the governor is a device for extending legislative power, while allowing for executive initiative.

In considering the necessity for creating an executive avenue for reorganizational initiative and responsibility, the Commission has found that the authorization of a formal role for the Governor in Maryland is today of major importance and priority, if executive modernization is to become a meaningful part of state governmental activity.

As an integral part of its recommendation that the Governor be authorized to initiate reorganization proposals, the Commission strongly urges that the Governor be allowed to develop those staff, research, and other necessary facilities and resources which can support and enable the exercise of this new and major responsibility.

The development of effective techniques by which the continuing modernization of the executive branch can be accomplished in response to the many complex and difficult questions which face state government today is a task which cannot be completed by the immediate authorization of new roles and the creation of several new units and facilities alone. Rather, the steps recommended by this Commission, and those which may be developed in the near future by other units of State government, will be merely a beginning.

With every prospect for the continued and rapid growth of executive units, programs, and other activities, the full and effective modernization of the executive branch will require the continuous development of fully-defined staff facilities and the allocation of a portion of the State's human and other resources to this task.

The recommendations of this Commission are designed to identify and urge the authorization of those immediate facilities and procedures from which more fully developed processes and resources for executive modernization can be created. The importance and urgency of taking immediate steps in this direction can not be too strongly emphasized.

In the opinion of the Commission, only a clear recognition of governmental responsibility for governmental modernization can support and sustain the development of relevant modernization processes and resources.

One final problem to which the Commission feels obligated to call attention is the need to provide, by law, for adequate staff and other assistance for a newly-elected governor between his election and inauguration. This period of transition is a difficult one for a governor-elect. The responsibilities of office are his, especially the immediate and important task of selecting a staff. Today, he is provided no formally-authorized help in meeting these responsibilities. The Commission recommends that immediate attention be given to the problem of providing adequate facilities for the governor-elect prior to his inauguration.

In carrying on this study of the executive branch, the Commission surveyed the more than two hundred and forty units which now comprise the executive branch in Maryland, and from this survey, identified those broad programs and responsibilities of government which appear to form appropriate functional groupings for executive organization. The Commission then created, from its own membership, the following Subcommittees: Commerce, Labor, and Industry; Education, Health, and Welfare; Natural Resources; Law Enforcement and Public Safety; Fiscal Management; and Federal, State, and Local Relations.

In assigning units of the executive branch to particular Subcommittees for study, the Commission found that, in several instances, certain units were not easily classified. The complexity of contemporary State programs, the close and increasing interrelationship of many major functions, and the rapidly changing character of certain activities, as these come to involve direct federal and local participation, make the assignment or grouping of certain activities difficult. For this reason, it was the Commission's decision that, in instances in which a unit or activity could logically be placed in more than a single grouping, it would be assigned to one or more Subcommittees, as appropriate, for more careful examination.

Attached to this report are the Subcommittee studies of specific areas of State government. While the Commission as a whole does not neces-

sarily endorse all the recommendations and findings in each of these reports, it commends the studies of the Subcommittees to the attention of officials charged with continuing responsibility for developing reorganization proposals.

In several instances, varying or alternative proposals are set forth in the reports of the Subcommittees for particular units or activities. The Commission has not attempted to reconcile all these variations. In the opinion of the Commission, continuing flexibility of consideration and development are of primary importance to the future modernization of Maryland government.

No set of organizational proposals, such as those set forth in the sub-committee reports, can up-grade the quality of State administration, unless steps are also taken simultaneously to make certain that salary levels and working conditions are such as to encourage talented professional personnel to remain in the service of the State. The best organizational system in the world will be ineffective unless it is supported by personnel provisions which insure the attractiveness of State employment.

REPORTS OF THE SUBCOMMITTEES TO THE COMMISSION

COMMERCE, LABOR, AND INDUSTRY

There were four main areas considered by the Subcommittee on Commerce, Labor, and Industry: planning and economic development; labor and industrial relations; business and financial institutions; and transportation.¹

Investigations, in all cases, revealed that the agencies grouped in these areas have working relations with each other. However, these relationships would be improved if these functional groupings could coordinate their activities through a single, individual representative of the Governor. Such an individual would be responsible to the Governor for coordination of policy and operations of the departments and commissions within his grouping.

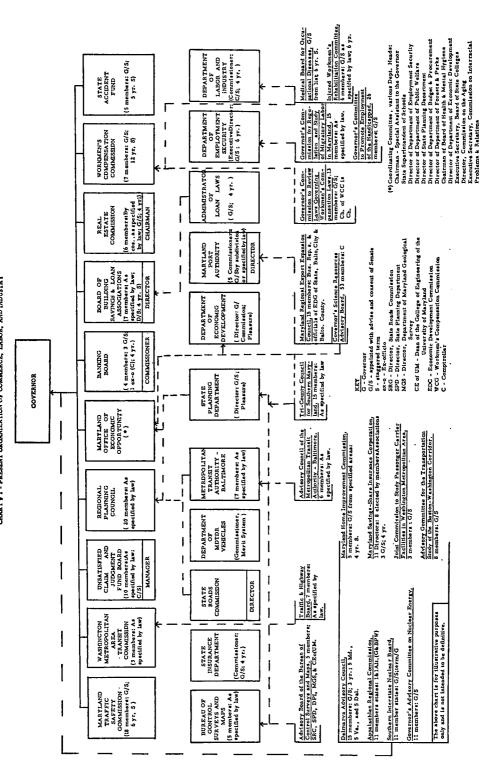
Each department director and commission head would still have independent responsibility for day-by-day operations. However, each would also have a new responsibility to work closely with the coordinator and to keep him fully and currently informed of not only operational matters but of prospective policy issues as well. In this manner, a missing level of liaison would be provided between the specialized, detailed, day-to-day administrative work of department heads and commissions, and the generalized policy responsibilities of the Governor.

The coordinator, as envisioned by this Subcommittee, would be concerned with broad functional areas of government, and would provide

¹ This chapter was prepared by the Commission's Subcommittee on Commerce, Labor, and Industry under the chairmanship of Mr. Julian Stein. The other members of the Subcommittee included the Honorable J. Glenn Beall, Dr. Homer E. Favor, Mr. Walter Hamilton, Mr. Herbert R. O'Conor, Jr., and Mr. Thomas E. Widerman. Staff work for the Subcommittee was directed by Mr. David B. Lipkin and Mr. Paul E. Krieger. In connection with this and other Subcommittee reports, the Commission was fortunate to obtain the cooperation and assistance of State officials who answered questionnaires and other inquiries of the Commission.

Director, Agriculural Extension Service Director, Department of Vocational Education President, Morgan State Gollege

President. University of Maryland



the Governor with an extremely useful intermediary in dealing with the various departments. However, in the final analysis, the value and effectiveness of any coordinator depends on the Governor. He must make maximum use of such an individual as his preferred and primary channel of information to and from the departments. Thus utilized, the coordinator takes significant burdens from the Governor and leaves him free to devote his time to major issues of State policy.

The main advantage of the coordinator system to the agencies is in the area of operations and planning. The coordinator is in a position to bring about better understanding of the problems and operations of a group of related agencies. The agencies, working with the coordinator, are thus able to conduct their affairs and to relate to one another in a more intelligent way.

Unlike other proposals which have been considered, the coordinator concept would require no forced consolidation of existing agencies or commissions to achieve the objective of more effective performance. The establishment of the position of coordinator would provide departments with a central point of contact at the executive level. Moreover, decisions will now come from the Governor's office faster because of the reduction in the number of people reporting directly to him. The plan thus provides the agency heads with a flexible means of adaptation in an era of explosive growth in State government.

Another advantage of developing the coordinator system would be in advancing Maryland's effective participation in federal-state and other intergovernmental programs. In addition, coordinators could play a useful role in the continuing study of State governmental organization. Such individuals will become intimately familiar with the problems of their areas and through this insight and familiarity will assist in the development of a more effective structure of State government.

The position of coordinator is obviously one of extreme importance and sensitivity. It requires an individual who can command the respect of agency heads and at the same time exercise the diplomacy necessary in a job which carries with it functions of review and recommendation without accompanying operational authority. It goes without saying that the salary of a coordinator should reflect the importance of his position.

PLANNING AND ECONOMIC DEVELOPMENT

A sub-grouping of Planning and Economic Development was investigated by the Subcommittee. The following agencies might be included within this proposed grouping:²

17

- 1. State Planning Department
- 2. Department of Economic Development
- *3. Science Resources Advisory Board
- *4. Maryland Industrial Financing Authority
- *5. Development Credit Corporation
- *6. Maryland Office of Economic Opportunity
- *7. Governor's Advisory Commission on Atomic Energy
- *8. Tri-County Council for Southern Maryland
- 9. Baltimore Regional Planning Council
- *10. Appalachia Regional Commission
- *11. DELMARVA Advisory Council
- *12. Southern Interstate Nuclear Board
 - 13. Agencies in Natural Resources Area

At first the Subcommittee considered the practicability of creating a single department by combining the Department of Economic Development, its associated functions in the Planning Department, and all the smaller related agencies in this area. The general purpose of the Department of Economic Development is to advance the economic welfare of the people and to develop the State's natural resources and economic opportunities. One of the functions of the Planning Department is to serve as the Governor's staff agency by preparing and keeping up-to-date a program for the development and effective employment of all State resources. It would seem logical, therefore, to combine these activities because of their relation to the overall use of human, economic, and natural resources.

However, upon a closer look, we found much support for the concept of the Planning Department as a separate staff agency. Considerable difficulty would arise if an agency with such responsibilities were combined with another agency, such as the Department of Economic Development, having day-to-day operational responsibilities.

On the other hand, it was very apparent to the Subcommittee that the Department of Economic Development as presently constituted is definitely understaffed and underfunded in terms of its extensive responsibilities—especially in the field of regional development and relations with the national government. If the Department were adequately staffed the Subcommittee feels that this would further argue against combining the operating functions of both planning and economic development.

² The agencies starred are already under the scope of and/or receive staff support from the Department of Economic Development.

In Chapter IV, another Subcommittee has proposed establishing the post of coordinator for natural resources. This Subcommittee sees the possibility of combining natural resources with planning and economic development in one functional grouping. If this were done, the position of Coordinator of Planning, Economic Development, and Natural Resources, with primary responsibility for coordinating all the activities concerned with improving the industrial, agricultural, mineral, and water resources of the State, could be established.

LABOR AND INDUSTRIAL RELATIONS

The following agencies could be included within a proposed grouping for labor and industrial relations:

- 1. Department of Employment Security
- 2. Department of Labor & Industry
- 3. Workman's Compensation Commission
- 4. Commissioners of the State Accident Fund
- 5. Medical Board for Occupational Diseases
- 6. Injured Workman's Rehabilitation Committee
- 7. Governor's Committee to Promote the Employment of the Handicapped
- 8. Governor's Committee for the Regulation & Study of Migratory Labor
- 9. Governor's Committee on Manpower Development & Training
- Governor's Commission to Review Laws Governing the Workman's Compensation Laws

The Subcommittee has found that there are interlocking relations among most of these agencies. For one thing, the same individuals often serve on more than one agency. The Commissioner of the Department of Labor and Industry is an ex-officio member of the Governor's Commission for the Regulation and Study of Migratory Labor; the Chairman of the Workman's Compensation Commission serves as an ex-officio member of the Injured Workman's Rehabilitation Committee and also as Chairman of the Governor's Commission to Review Laws governing the Workman's Compensation Laws; and the Executive Director of the Department of Employment Security is an ex-officio member of the Governor's Committee for the Regulation and Study of Migratory Labor in Maryland.

There are also statutory relationships between agencies. Decisions of the Medical Board of Occupational Diseases are subject to review by the Workman's Compensation Commission; the Injured Workers Rehabilitation Commission advises the Workman's Compensation Commission on all phases of rehabilitation of injured workers; the Commissioners of the State Accident Fund administer the State Accident Fund which is the State Workman's Compensation Insurance carrier; the Governor's Committee to Promote the Employment of the Handicapped is under the Public Service Division of the Department of Employment Security; and, the Governor's Committee on Manpower Development and Training is advisory to the Department of Employment Security.

It is important to note that the Department of Employment Security is by far the largest agency in this area, having over one thousand employees. Its administration is financed solely from federal funds. The use of a coordinator in this area or combined with other groupings would enable the State to take a much more imaginative and active role in upgrading the labor force and encouraging maximum utilization of human resources.

BUSINESS AND FINANCIAL INSTITUTIONS

The following grouping was investigated as representing agencies dealing with business or financial institutions. The following agencies were included in this grouping:

- 1. Bank Commissioner-Banking Board
- 2. Insurance Commissioner—Insurance Department
- 3. Department of Building, Savings and Loan Associations— Board of Building, Savings and Loan Associations
- 4. Administrator of Loan Laws
- 5. Real Estate Commission
- 6. Maryland Home Improvement Commission

There is a considerable economic relationship between the different businesses covered in this grouping of departments. Each of these departments should continue as a separate agency. While this Subcommittee proposes no changes in the daily operations of the departments, it is logical to provide a system for the exchange of information and the coordination of general policies among the departments.

Three examples of areas in which the program coordinator system can promote the public interest are:

- 1) Building and loan associations, banks and trust companies, and insurance companies, all make mortgage loans to home buyers. The charges that each makes for the money it lends vary in certain particulars; differences in method of computation and terminology result in actual differences in cost. Accordingly, it is difficult for members of the public to compare the net costs of borrowing. Providing this grouping of departments with the same liaison to the Governor will offer a way to coordinate lending policy with resultant lower cost to the public.
- 2) The Insurance Commissioner has jurisdiction over the sale of credit life insurance and credit accident and health insurance. Such insurance is frequently sold in connection with the lending of money with which the Bank Commissioner is concerned. Coordination of regulation in this area is most desirable.
- 3) The Administrator of Small Loan Laws, the Bank Commissioner and the Commissioner of Motor Vehicles are all currently concerned with loans relating to the sale of automobiles. While the third of these departments would not be grouped with the same coordinator as the other two, its head can easily attend meetings (or portions of meetings) at which this subject will be discussed.

TRANSPORTATION

The following agencies, with obvious transportation responsibilities, constitute a meaningful functional grouping for consideration:³

- *1. State Roads Commission
 - 2. Toll Facilities Division
 - 3. Bureau of Control Surveys and Maps
- *4. Department of Motor Vehicles
- 5. Unsatisfied Claim and Judgement Fund Board
- 6. Maryland Traffic Safety Commission
- 7. Metropolitan Transit Authority
- 8. Washington Metropolitan Transit Commission
- 9. Joint Committee to Study Passenger Carrier Facilities in the Washington Area
- 10. Advisory Commission for the Study of Transportation in the Boston to Washington Corridor

The State plays a major role in the complex field of transportation and shoulders a heavy responsibility in the areas of providing for the public

⁸ In terms of present roles and responsibilites, these two starred agencies are the largest in the group.

convenience and necessity; construction, maintenance and regulation (either directly or indirectly) of facilities for all modes of transportation; and for the establishment of safety programs and standards for the protection of life and property.

All phases of transportation are so closely interrelated that some means must be provided for the over-all coordination of activities in this field. There is a certain amount of cooperation and coordination occurring among State agencies at the present time, but for the most part, it is done in a voluntary and ad hoc manner. Not only is this a tribute to those involved, but it is the strongest evidence imaginable for the need of a designated plan to provide for the coordination of activities in related fields. Therefore, it is recommended that machinery be provided for greater coordination of program, policies and activities of those related agencies in the field of transportation.

To coordinate activities and resolve problems effectively in the field of transportation, the scope of operations should extend to all phases and modes of transportation, including highway, mass transit, air, rail, and water. Recently the federal government recognized the need to approach transportation from a unified administrative viewpoint and, as a result, the new cabinet post of Secretary of Transportation was created.

Coordination responsibilities should extend, in some degree, to the following agencies, which this Subcommittee did not examine in detail:

- 1. Public Service Commission—in those areas in which the P.S.C. exercises jurisdiction in transportation
- 2. Maryland Port Authority—in the areas of water transportation
- 3. Aviation Commission—for air transportation
- 4. Chesapeake Bay Affairs—for water vehicles
- 5. Maryland State Police—as an agency involved in the enforcement of highway laws and regulations

The field of transportation is a broad one and coordination must extend to include all related activities to be effective.

It should be pointed out here that the concept of grouping related agencies for coordinating purposes should include sufficient flexibility to permit an agency to appear in more than one grouping. As an example, the Health Department which is certainly unrelated to transportation is responsible for promulgation of regulations for the transportation of radioactive materials. Also, the Fire Prevention Commission is apparently empowered to issue regulations covering motor vehicles. Un-

doubtedly, other similar situations exist and provision should be made for coordination in these areas.

Finally, in the important area of safety, the recently enacted Federal Highway Safety Act of 1966 imposes certain requirements on the State of Maryland and compliance with the provisions of this act will call for considerable effort by both the Executive and Legislative branches of State government. The Federal Act designates the Governor of the State as the individual responsible for the administration of the program. It appears that the administration of this program will require substantial attention and that consideration should be given to the establishment of some means, similar to that created at the Federal level, to accomplish the purpose.

We believe that provision for formal coordination of related agencies will provide more effective and efficient operation of those agencies, and, more important, will establish a vehicle for continuing study to effect further modernization of the executive branch.

EDUCATION, HEALTH, AND WELFARE

In the examination of the particular facets of the Maryland government's executive branch which are, or might be, related to the areas of education, health, and welfare, each of the existing operating units included in these areas was studied, *inter alia*, from the following aspects:

- 1. the relationship between each agency and its ultimate supervising or controlling authority;
- 2. the relationship of that authority and/or agency to the Governor;
- 3. the relationships among the various existing agencies, the existing coordination, coordination gaps, if any, and the like;
- 4. the relationships of existing and contemplated functions in the areas and the agencies available for, or charged with, their performance, including functional lapse or overlap; and,
- 5. the relationship of the agencies to the citizenry, including availability of services, information, and meaningful emphasis.

METHOD OF STUDY

Staff studies and reports, past studies, the gracious completion of questionnaires by the several State officials, reports of other states, and discussions with several State officials and board members provided this Subcommittee with a great deal of information and assistance in the development of its thinking. Armed with such data, this Subcommittee

¹ This Chapter was prepared by the Commission's Subcommittee on Education, Health, and Welfare under the chairmanship of Mr. David J. McCarthy, Jr. The other members of the Subcommittee included Mr. Richard W. Emory, Mr. Samuel Hopkins, Dr. Albin O. Kuhn, and Mr. Edmund C. Mester. Staff work for the Subcommittee was directed by Mr. Robert Dugan and Mr. Joseph J. Sperber.

then turned to the task of achieving its objectives and of demonstrating the non-disruptive reorientation possibilities.

Of primary concern was the development of a proposed system that would make more meaningful the relationship of the executive branch to the Governor; one that would permit the infusion of gubernatorial policy; one that would insulate the Governor from a multitude of imbalanced agency ties which in total seemed self diluting from a policy, control and coordination viewpoint; and one that constituted nonetheless an effective two-way policy and information channel.

The Subcommittee undertook the functional grouping of agencies within the fewest practical number of meaningful "umbrella" areas but did not presume that the "education, health and welfare" concepts were necessarily to be continued. Each "umbrella" area contained within it only those operative units functionally related. This is not to say that the "umbrella" areas — better called functional groups — were totally devoid of relationship to each other. Rather, their intrarelationship and common operational spheres outweighed the more subtle interrelationships.

The units within each functional grouping were studied to determine what consistency should be present, what system of coordination, what merger of functions, what expanded influence, and the like. Thus, suggestions arose concerning the merger, severance, or restructuring of particular functional entities to reflect the results of our study, newly or apparently emerging relationships, future growth, unrelated or conflicting purposes and similar patterns or indications.

RESULTS OF STUDY

Based on data derived from staff research, past studies, questionnaires, reports of other states, and discussions with State officials, as above noted, the Subcommittee makes the following recommendations along with comments and illustrations pertinent to these recommendations.

Relationship between the Executive Branch and the Governor. In our opinion the goals which we have described as subsumed in this relationship could be achieved through the establishment of a "cabinet" of program coordinators, a system perhaps more analogous, if at all, to English than American government. The program coordinators would not be super-administrators nor would they have policy-effectuation power other than the power of persuasion. Each coordinator would be a man of prestige in his particular field. In addition, the Governor would make clear at the outset that each coordinator represented the virtually

exclusive channel of official communication to and from the Governor.

Finally, the program coordinators would be assigned to the areas of their expertise. For example, there would be a program coordinator for Education. The guarantees of the effectiveness of his relationship to his particular area would be four-fold:

- 1. his prestige and expertise in that area;
- 2. his positioning as the virtually exclusive channel of communication to and from the Governor;
- 3. the authority and appointment lines between the Governor and the heads of operating departments, which will be developed in more detail below; and,
- 4. the establishment by the Governor of a policy of using this cabinet as a "brain trust," a final body of advisors recommending gubernatorial policy and action.

REMOVAL FROM CONSIDERATION OR TRANSFERRAL OF AGENCIES. As noted above, those councils, commissions and the like whose planned termination has already occurred were removed from consideration. In addition, agencies of primary concern elsewhere, such as the State Law Library, were transferred to more appropriate Subcommittees.

While it would be better understood after the discussion which follows, it seems important here to indicate the Subcommittee's recommendation concerning advisory councils, boards, and commissions which appear to constitute a substantial portion of the present executive branch, and which are by and large not treated individually in the remainder of this report.

Advisory councils, boards, and commissions which do not report directly to any operating department head or which, by the nature of the subject matter covered, do not relate to the coordinating or supervising unit of a functional grouping within the executive branch, should report to the program coordinator.

As a practical matter, it may be desirable to abolish all advisory councils, boards, and commissions whose work can not be related to particular departments or to units which do not perform the virtually exclusive coordination of a particular functional grouping. The power to appoint advisory councils should ultimately be delegated to each of the coordinating bodies and/or to the operating department heads. The Governor's power to appoint advisory councils, boards, and commissions should be exercised only with respect to broad governmental problems (such as that being considered by this Commission) or to emergency situations and developments, such as those not related to existing govern-

mental units or areas. It is important in this connection to note that this exercise of the power to appoint advisory bodies, however, should not substitute for the creation of new, or the expansion of existing, governmental facilities where necessary. The functions of the executive branch should not be performed, if at all possible, through advisory bodies.

Functional Groupings. Once the multitude of advisory bodies had been removed from consideration, the original, seeming complexity of these areas largely dissolved into existing functions and fairly clearly emerging patterns. Three main functional groupings were easily discernible:

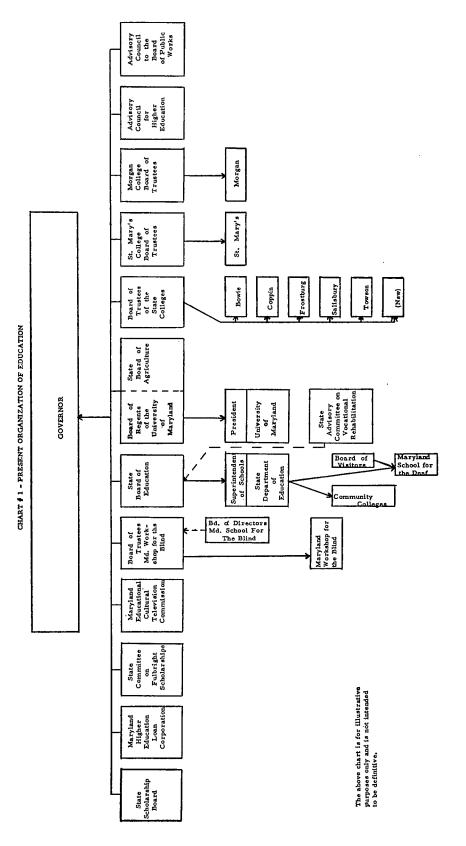
- 1. education and allied duties and services;
- 2. the personal, public, and environmental health concerns of modern society; and,
- 3. the variety of departments, agencies and commissions whose common denominator was service to individual citizens.

The Subcommittee thus settled upon the three areas of "Education," "Medical Care and Environmental Health," and "Citizens' Services," and resisted the inevitable temptation to seek merger for merger's sake in following the federally established concept of Health, Education and Welfare. As noted above, while there are certain interrelationships, the structure is demonstrably unwieldy and might beget detrimental overemphasis of some areas of influence to the exclusion of others.

FUNCTIONAL GROUP - EDUCATION

Background Information. The administration of the State's functions in the area of education is primarily performed by three units: the State Board of Education, the Board of Trustees of State Colleges, and the Board of Regents of the University of Maryland. What has come to be known as the tripartite organizational pattern for overseeing Maryland higher education was completed in 1963 with the creation of the Board of Trustees of State Colleges. The present structure is illustrated in Chart 1.

In principle, this administrative structure is a sound organizational arrangement since it divides oversight of education into three logical areas, while permitting each area to develop fully those programs and policies within its own sphere. However, there are still aspects of the Maryland educational system which have not been brought within this structure. For example, two State liberal arts colleges — St. Mary's College and Morgan State College — are run by their own boards of



trustees, as is the Maryland Workshop for the Blind. Morgan State College will, by law, soon be included within the purview of the Board of Trustees of State Colleges. It has been suggested that St. Mary's should follow a similar course. In addition, there exist three administrative units concerned with financial assistance to students—the State Scholarship Board, the Maryland Higher Education Loan Corporation, and the State Committee on Fulbright Scholarships. Educational television, by legislative design, is administered independently. Two Advisory Councils are concerned with the needs of higher education.

The governmental and advisory units now studying and administering educational programs and services are all ultimately responsible to the Governor. In addition, there is the Southern Regional Education Board, on which the Governor sits as the representative of Maryland. The mere fact that the Governor must keep track of so many organizational units in this field has given rise to the suggestion that some further streamlining of State administration of Maryland education is necessary. There are, however, a number of other questions which must be considered. Coordination and communication among the various agencies administering educational programs or services are basically informal. Most of the administrators sit together on one or more committees or commissions and have frequent opportunity to discuss common problems. The need for a medium of communication and coordination was, indeed, a common comment in all of the governmental areas studied by this Subcommittee.

As noted above, an attempt to formalize coordination has been made in the area of higher education. The Advisory Council to the Board of Public Works was set up to recommend the best use of federal funds available to higher educational institutions through the Higher Education Facilities Act of 1963. The Advisory Council on Higher Education was created in 1963 with a broad mandate to study various problems in higher education and make reports to the Governor and the administrators of the various units. With the establishment of the Advisory Council on Higher Education, the goal of full coordination has not been reached, since the original plan of having representatives from each of the branches of the tripartite system sit on the Council proved unworkable and the membership of the board is now drawn from outside the system.

The Advisory Council for Higher Education has recommended the creation of a new board of trustees for the community colleges. These colleges not only act as feeders to the state colleges and universities, but are operated so as to provide terminal education for large numbers of Maryland students. It has been suggested that the needed emphasis peculiar to the growth and development of these community colleges

may not be forthcoming if pertinent State interests continue to be supervised in conjunction with school systems having many other educational responsibilities.

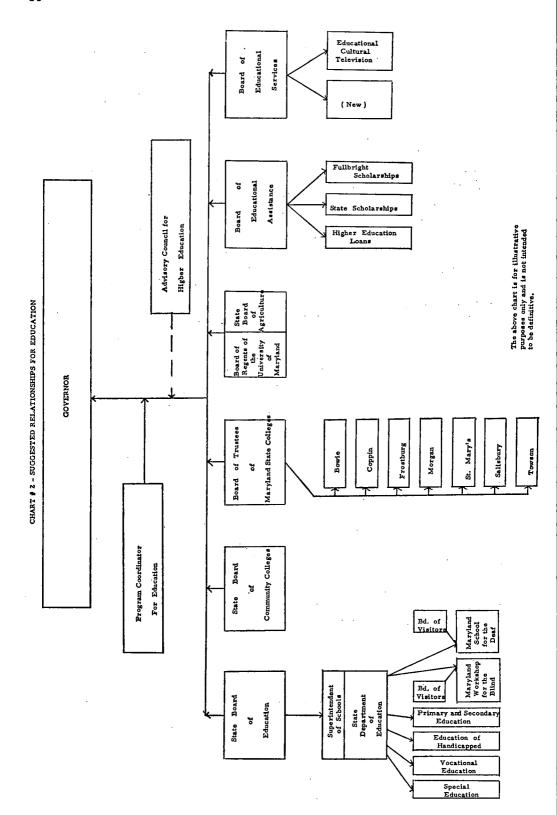
The Advisory Council for Higher Education is an experiment of merit worth longer life. However, it could be strengthened in two ways while still avoiding the inadvisable creation of a superboard. First, all proposals transmitted from any segment of the higher educational system to other governmental agencies should be presented first to the Advisory Council for an affirmative or negative recommendation. This is the procedure followed in thirty-six of the thirty-nine states which have such coordinating councils or similar agencies. Second, the three higher education boards should have representation on the Council, enlarging its membership while still retaining the present concept of an "independent" advisory unit.

It has also been recommended that the ever expanding impact of student loan programs and scholarship assistance be given special consideration. Recent statements have indicated the frequent existence of common criteria and the need for continuing assessment of the most productive use to be made of available funds. Present fragmentation of the State governmental functions in this area is held inadvisable.

As previously noted, there is a good deal of informal communication among educational officials in Maryland. However, this arrangement depends far too much upon the personal working relationships of responsible officials. Even while such relationships may presently be harmonious, the future of the State demands that they not be substitutes for an efficient functional structure and formal channels of coordination.

RECOMMENDATIONS AND SUGGESTIONS BY THE SUBCOMMITTEE. The above described steps of assessment and restructuring resulted in the suggestion of relationships illustrated in Chart 2. The following are some comments relating to that chart. The newly instituted "tripartite system" of higher education appears to be working well and has value in the diffusion of control and emphasis in this delicate area. Thus, the concept was retained in the development of our suggestions.

We recommend, however, the transfer of such State jurisdiction as exists with respect to the Community Colleges to a new board created for the purpose of exercising the State functions. At first, transfer to the State Colleges Board was considered, but the particular functions of the community colleges and the circumstances attending their local financing militated in favor of the new board. In addition, St. Mary's College should be brought within the supervision of the State Colleges



Board. Morgan State's association with the Board is a development already indicated by law.

We recommend that supervision and further development responsibilities in the area of vocational and special education at the secondary school level and of those educational functions possessed by the State with respect to the physically handicapped be located within the State Department of Education.

Without changing the scope of the responsibilities of the State Scholarship Board, the Higher Education Loan Corporation and the Fulbright Scholarship Committee, we recommend consolidation of the three units.

The legislative mandate of independence for Educational Television has merit when the variety of services and the subtleties of non-independence are considered. Since coordination can be provided, we have recommended the continuance of the independent status and the contemplation of possible expansion of educational services not now in existence.

The tradition of lay boards is retained as peculiarly applicable to education.

Retention of the tripartite system includes retention of the Advisory Council for Higher Education. The Council should report its recommendations to the Governor through a program coordinator for education. All proposals within the Council's sphere of influence should be submitted to it for its recommendation. The Board of Regents, of Trustees of State Colleges, and of Community Colleges should have one member each on a twelve-man Advisory Council. Further coordination within the area of education, as, for example, relates to assistance or services, can be obtained by the appointment by the coordinator of an ad hoc coordination committee consisting of representatives of all of the Boards.

With the exception of the Advisory Council and with the qualification that the term "department heads" should here include the boards, what was said above concerning advisory bodies is applicable here.

The Board of Regents should continue to serve as the Board of Agriculture. The financial savings and traditional success attributed to this relationship seem to support this recommendation. It has been indicated to the Subcommittee that few law-enforcement activities occupy the Board of Agriculture and that the combined Board has proved detrimental to neither the University nor agriculture. Liaison and coordination of scientific activities of the Board and other structures related to the University may be maintained through the program coordinator for education and for natural resources.

Relationship with the Southern Regional Educational Conference should remain the function of the Governor's office.

FUNCTIONAL GROUP — MEDICAL CARE AND ENVIRONMENTAL HEALTH

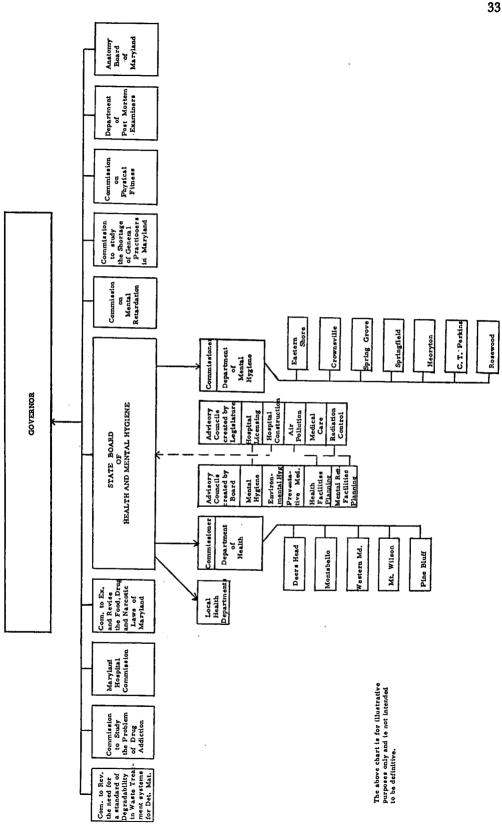
BACKGROUND INFORMATION. In 1961, consolidation of existing health and health care responsibilities was attempted by the creation of the State Board of Health and Mental Hygiene. This Board was made responsible for formulating general policy for the Departments of Health and Mental Hygiene and for the health interests and needs of the people of the State. Chart 3 illustrates the present structure. Much material was obtained from the "Report on the Department of Health (1966)" Booz-Allen-Hamilton, Inc.

There are, however, four autonomous commissions or boards still operating in the area of medical service, each of which has been created by statute. There are also five Governor's study commissions reviewing problems which might have been studied by people within the working departments. There also appears to be a lack of specific delineation of the functions of the operating departments, and problems of coordination arise in health as well as education.

Organizational difficulties also exist within individual health agencies. The basic organizational elements and relationships within the Department of Health and the Department of Mental Hygiene are rigidly fixed by statute. Should the Commissioners (the heads of operating departments) who do not now have clearly delineated powers be given more discretion to structure their Departments to carry out the tasks assigned them by statute?

The State Board of Health and Mental Hygiene is involved with five advisory councils created by statute and five more which it has set up itself. These councils are often inactive and, when activity is called for, it may be stymied by poor working relationships with both the Board and the operating departments. Timely solutions to problems might be more easily obtained by allowing the operating departments or the Board to create study groups on an ad hoc basis. It would seem that, if the study groups are responsive to the Board or the departments, better working relations would necessarily result.

As noted above, control of both the Health and Mental Hygiene areas is vested in the Board of Health and Mental Hygiene, and the Commissioners operating the departments do not have comprehensive, clearcut authority to organize their departments except in some emergency situa-



tions. Whether greater operational freedom should be given these departments to foster greater responsibility and what should be the means of perfecting coordination are major questions for consideration today.

Planning for hospitals and other medical care facilities is the concern of several governmental and private bodies in Maryland. Because of the extensive fragmentation of effort, an integrated statewide plan for hospital and medical care facilities is lacking. Consideration should be given to the establishment of a single mechanism for coordinating and integrating the planning efforts of existing agencies.

Responsibilities and relationships in the mental care and the mental retardation areas need clarification. Presently the Department of Health controls the non-institutional services for the mentally retarded while the institutional services are the responsibility of the Department of Mental Hygiene. In addition, the Board of Health and Mental Hygiene has reassigned the professional direction of the community health programs to the Department of Mental Hygiene, creating uncertainties concerning rules and responsibilities for locally operated programs and relationships between state and local departments.

Since all of the activities of the State in the area of medical care have not been brought under the coordination of the Board of Health and Mental Hygiene, this would be a fruitful area for consideration. Possibly the scope of the Board could be broadened to include all units of Maryland government concerned with physical health, mental hygiene, medical care, and mental retardation and environmental health programs. Water quality control activities, now the responsibility of the Department of Health, might be expanded and, along with air quality control activities, now the concern of a non-operational council, might be structured as an operating unit of a new State environmental hygiene entity.

The Division of Reimbursements in the Department of Mental Hygiene has responsibility for determining ability to pay and for collecting fees for mental hospital services. The facilities and services of this Division are also used by the chronic disease and tubercular hospitals under the Department of Health. With the increasing complexity of these determinations, and with the addition of Medicare and other recordkeeping responsibilities, these functions may best be removed from the Department of Mental Hygiene and consolidated in a broadly defined service bureau. Such a service bureau might also provide a center for future computer recordkeeping facilities for medical records and research as well as for financial records.

At present, the basic means of communication and coordination among the various boards, commissions, committees, and departments is informal. Communication and coordination are fostered by having overlapping membership on the various boards and committees set up in the health field. While administrators in the medical service area agree that this procedure is fine for communication, they point out that the desired coordination is not achieved since decisions which are opposed by individual agencies cannot always be enforced.

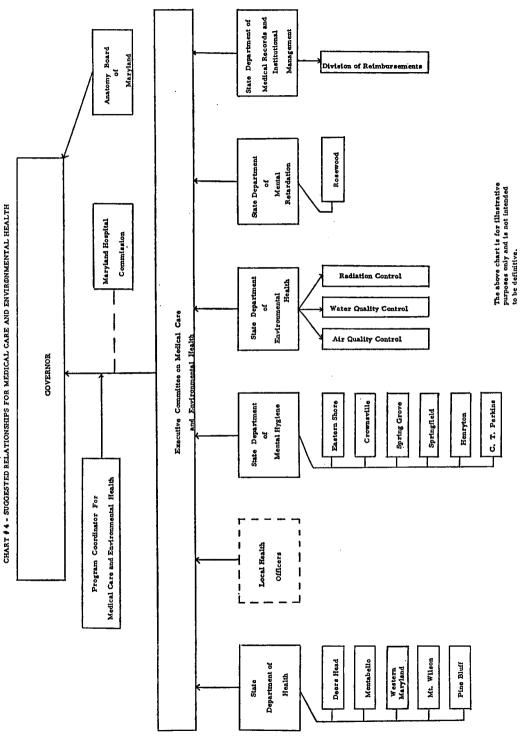
Recent reports, stimulated by the blanket of polluted air affecting much of the east coast, have criticised the inability of existing mechanisms (advisory bodies) to deal properly with the environmental health problem. Responsibility for dealing with a problem as serious as air pollution should certainly not be delegated to a part-time advisory committee.

RECOMMENDATIONS AND SUGGESTIONS BY THE SUBCOMMITTEE. This aspect of our study included traditional governmental units and newly emerging areas of important community emphasis. Again, it involved a recently organized experiment in coordination and supervision, the premise of which has been the fulcrum of our recommendations. The suggested concepts which arose from our study are illustrated in Chart 4. The findings of the Booz-Allen-Hamilton study, alluded to above, were of great assistance to the Subcommittee and underlie many of its recommendations.

We again recommend the adoption of the proposed program coordinator approach. Thus, the Governor's channel would be the program coordinator for Medical Care and Environmental Health. The newly originated concept of the strong coordinating board should be retained. Many of the problems alluded to in earlier sections of this report would, we think, be measurably resolved if the board (which we have chosen to call the Executive Committee) consisted of the heads of the respective operating departments and six lay people.

As the Booz-Allen-Hamilton study makes clear, the following recommendations are necessary to the proper functioning of the government in this area. The present powers of the Board of Health and Mental Hygiene as now defined by law should be retained and transferred to the proposed Executive Committee and should be supplemented as the expanded scope of the Committee may require. The recommendation to the effect that department heads should be given the powers now exercised by the Board, to the extent feasible, is endorsed by this Subcommittee. Thus, by date certain there should be a written delegation of functions and authority from the Executive Committee to the heads of all operating departments.

We endorse the conclusion of the Booz-Allen-Hamilton report that the Executive Committee should have in the first instance the sole power



to appoint, or to recommend the appointment of, advisory councils, boards and commissions. In view of this recommendation, it would be inadvisable for this Subcommittee to recommend the abolition or retention of any of the advisory councils, boards and commissions now in existence either by appointment of the Board of Health and Mental Hygiene or by action of the legislature.

The functions of the Department of Post-Mortem Examiners should be transferred to the Executive Committee for proper delegation to an operating department, probably the Department of Health.

The Anatomy Board properly belong in this functional group. We recommend, however, that it retain its independence since the balance of competing interests in a delicate area is best protected by its present structure. Its limited purposes do not warrant departmental status or relationship to the Executive Committee.

The Hospital Commission is in much the same position. It should retain its status as a separate entity since its broad functional scope, including *inter alia* loans, studies, community needs and the like, require the unique capabilities involved in its present make-up. It should report to the Governor through the program coordinator.

The present difficulties concerning the care and treatment of mental retardates, alluded to in Booz-Allen-Hamilton, coupled with the emerging public appreciation of the significance of the subject matter give rise to the suggestion that consideration be given to the creation of a new department devoted exclusively to the problem of mental retardation. It is recognized that special education also encompasses this general area. Liaison and coordination would be necessary and would be effectively performed by the program coordinators for Education and for Medical Care and Environmental Health.

Chart 4 indicates our thought that greater attention is, should, and will be given to the importance of the evolving studies of environmental health. The obvious expansion in this area of paramount concern gave rise to our suggestion of a new department amalgamating the various functions now performed by advisory bodies and *ad hoc* commissions.

The recordkeeping and housekeeping functions, in this age of the computer, can and should be centralized. This entity can also carry out the duties of assisting hospitals in their management programs and of determining reimbursement for the care of indigent patients.

Research programs seemed perhaps of more paramount concern to agencies in this area than in any other. However, further study indicated that both academic and empirical research are closely related to a host of governmental functions. The use of available resources, the priorities

of research needs, the planning and development concepts involved, are matters of policy and coordination best left to the traditional interagency working relationships augmented by the assistance of the program coordinators.

FUNCTIONAL GROUP — CITIZENS' SERVICES

BACKGROUND INFORMATION. In the areas of welfare, human relations, and other citizens' services, there is no formal system of coordination at present. There are fourteen separate boards, commissions, committees, or departments, each of which must provide for its own liaison with the Governor and with related State offices. The present structure is illustrated in Chart 5.

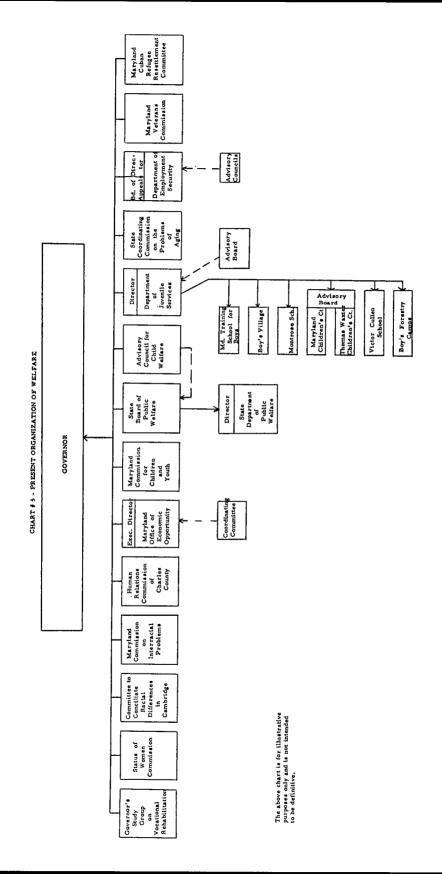
With such a widely diversified body of governmental units directly responsible to the Governor, it would seem appropriate to consider the possibility of giving a member of the Governor's staff formal responsibility for bringing about closer liaison and communication between these units and the Governor and for fostering closer coordination among the various governmental units in the welfare field.

Three commissions now deal with interracial relations: the Human Relations Commission of Charles County, the Maryland Commission on Interracial Relations, and the Committee to Conciliate Racial Differences in Cambridge. But there is today no operating unit (or units) responsible for human relations and related programs in Maryland. Such programs might better be unified and their activities conducted through formal operating groups under a central administration.

In addition to the interracial relations commissions, there are many other governmental units whose activities, largely concerned with citizens' services and human relations, might be better conducted if formalized and unified. Such units include the Maryland Office of Economic Opportunity, the State Coordinating Commission on the Problems of the Aging, and the Maryland Cuban Refugee Resettlement Committee.

Three governmental units now deal with problems of youth: the Department of Juvenile Services, the Advisory Council on Child Welfare, and the Maryland Commission on Children and Youth. The possibility of combining these units to make a complete department to service the children and youth of Maryland has been suggested.

RECOMMENDATIONS AND SUGGESTIONS BY THE SUBCOMMITTEE. As noted above, this functional area developed from the emerging patterns apparent from our study of a variety of existing government agencies.



Again, there has been a recent experimental modernization. In this instance, however, the experiment dealt not with the whole area but with services related to juveniles. Here again, we found ourselves at the threshhold of expanding governmental services to citizens. Nevertheless, the functional grouping could lend itself to consistent governmental patterns as our suggestions demonstrate. These suggestions are illustrated in Chart 6.

The proposed coordinating concept is applicable to this area as well. There can be a program coordinator for Citizens' Services. There also can be an Executive Committee, the members of which are the heads of the operating departments. This Committee would serve only as a policy-infusion and coordination body. The governmental services are disparate when compared with Medical Care and Environmental Health. There seems no need at this time for a supervisory board with strong powers.

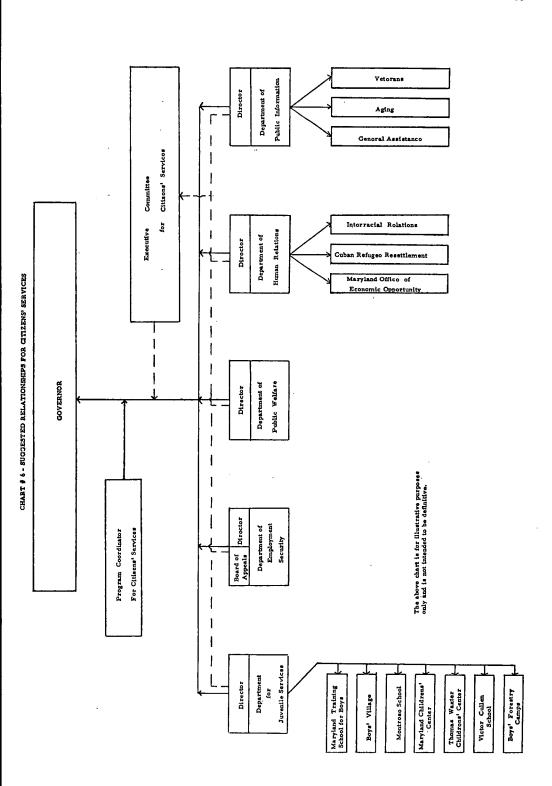
The retention of the three presently existing departments is recommended. These are the Departments of Welfare, Employment Security and Juvenile Services.

The various youth services can and should be related to the Department of Juvenile Services. It seems clear that Maryland has chosen to treat juveniles in a rehabilitative, not a penal or correctional manner. Hence, the department is properly within this functional area. Moreover, a study of Chart 6 indicates that the breadth of services frequently all relate to particular segments of the community most in need of assistance.

The concept of human relations, often identified with civil rights, is broader than that identification, involving as it does the fundamental relationships of a society to its members. The variety of human relations problems and the importance of their solution call for an emphasis which we think is exemplified in the creation of a department oriented to the problems and combining the many services which the State is capable of providing.

There is, perhaps, no concept of the government - citizen relationship more under discussion today than that of the "ombudsman." This untranslatable term encompasses a multitude of citizen services, including assistance with other agencies, which is envisioned in our suggestion of the Department of Public Information. Again, existing functions would be combined with expansion.

The proposals encompassed in Charts 2, 4, and 6 and the accompanying suggestions are premised upon a rational attempt at consistent modernization. The basic proposal of the program coordinator and of a policy-



coordinating Executive Committee seems to be a workable one. This proposal was modified herein to preserve presently existing experiments which have merit. The area of education, perhaps sui generis, does not lend itself to the full implementation of the executive committee concept except in ad hoc circumstances. The experiment with a powerful board in the area of Medical Care and Environmental Health may evolve, once delegation of authority is completed, into what is in fact the executive committee. With respect to those Committees consisting of operating department heads, the public may still have a voice through proper use of advisory bodies.

The effectiveness of the program coordinators as gubernatorial representatives depends on the four factors indicated earlier in our report. One of these is the power of gubernatorial appointment. It seems clear that effective implementation of gubernatorial policy through them requires receptivity on the part of the heads of operating departments, best guaranteed by a system of appointment of these departmental heads by the Governor with service at his pleasure.

Again, the area of education is *sui gneris*. The Subcommittee, in light of the considerations alluded to in our discussion of that area, recommend the retention of the present system of staggered-term appointments.

One final thought remains. What we have done is to study, recommend and suggest. It is superfluous to state that this is only a beginning. The implementation of these suggestions and the continued modernization and streamlining of the Maryland government is a matter of continued, in depth study. It should not be performed infrequently on an ad hoc basis. It is clearly an area of proper and regular governmental concern and planning.

SUBCOMMITTEE REPORT

NATURAL RESOURCES

Basically, the task of reviewing, coordinating, evaluating, and unifying natural resource programs, policies, and practices in Maryland rests with the Board of Natural Resources.¹ This Board is composed of eight members who represent executive agencies in the natural resources field, and nine lay members from specified geographic areas of the State. The role of the Board of Natural Resources, as a result of recent changes in State law, is as follows:

"It is the intention of the General Assembly in the enactment of this sub-title to establish a state agency which shall review and evaluate all natural resources policies, plans, programs, and practices of State, county, regional and federal agencies and instutions; which shall coordinate all natural resources activities within the state; which shall be a center for collecting and organizing information on the natural resources area for the guidance of the Governor and the General Assembly; and which shall otherwise unify and coordinate policies, plans, programs and practices which will insure the preservation, development, wise use, and enjoyment of all the natural resources for the greatest benefits to the State and its citizens." (Article 66C, Annotated Code of Maryland, 1957 Edition, 1966 Cumulative Supplement, Section 1.)

¹This chapter was prepared by the Commission's Subcommittee on Natural Resources under the chairmanship of Mr. Samuel W. Borden. The other members of the Subcommittee included Dr. Carl N. Everstine, Mr. James H. Norris, Jr., Dr. Francis E. Rourke, and Mr. Frederick L. Wehr. Staff work for the Subcommittee was directed by Mr. Gerald M. Richman.

Formal responsibility thus rests with the Board for reviewing, evaluating, unifying, and coordinating natural resource activities of the following thirty-nine units:²

- 1. 6 major operating units
- 2. 5 advisory commissions (attached to the above operating units)
- 3. 1 research arm (attached by law)
- 4. 1 cemetery trust board
- 5. 5 inter-state coordinating and advisory commissions
- 6. 5 study commissions
- 7. 1 independent research arm
- 8. 1 regional planning board
- 9. 1 regional administrative board
- 10. 1 coordinating commission
- 11. 1 administrative bureau
- 12. 1 planning commission
- 13. 1 administrative board
- 14. 8 advisory boards and commissions
- 15. 1 intra-state coordinating, policy, and administrative commission

From its investigation of the present structural arrangement in the natural resources field, the Subcommittee feels there is a need for improvement in the following two major areas:

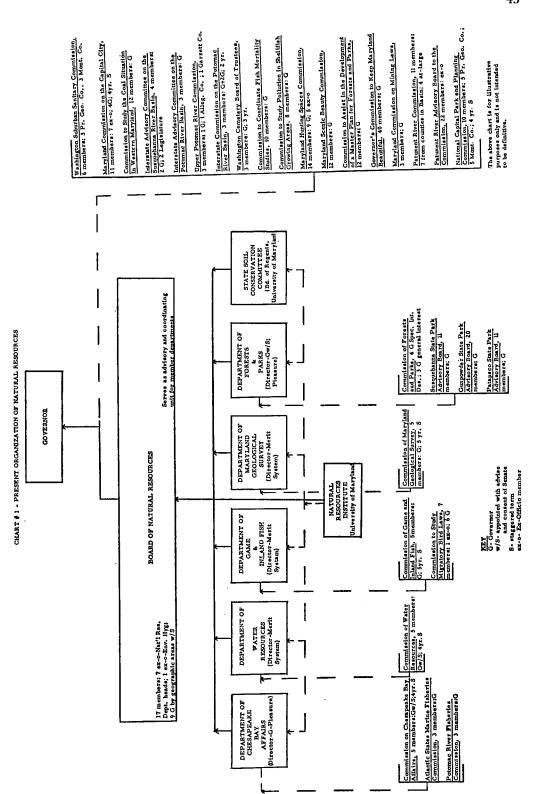
- 1) communication, both from resource agencies to the Governor and between natural resource agencies; and
- 2) coordination of activities, policies, programs, and practices in the natural resource and related areas.

Since, in fact, the Governor is still frequently called upon to resolve major questions of program coordination and to facilitate communication among natural resource units, some method of assisting the Governor in performing these tasks is necessary.

The Subcommittee considered the following three alternatives for improving the administration of natural resources in Maryland:

- 1) the strengthening of the organization and operation of the Board of Natural Resources;
- 2) the establishment of a Special Assistant for Natural Resources in the Governor's Office; and
- 3) the merging of all conservation and resource management activities into a single conservation department, as has been done in a number of other states.

For the names of the thirty-nine units, see Chart 1.



THE BOARD OF NATURAL RESOURCES

The Board of Natural Resources is by law authorized to act as program reviewer, evaluator, unifier, and coordinator. As indicated by the information available, it does not and cannot now fulfill these roles because of the following factors:

- 1. The composition of the Board is such that all members are of equal status. In the past, questions and disputes which arose between department heads wound up in the Governor's office, with the Governor acting as arbitrator.
- 2. It was indicated to this Subcommittee by departmental members of the Board that a great deal of their time was spent explaining their various programs and policies to lay members of the Board. This, it was stated, left little time for coordinating, evaluating, unifying, and reviewing natural resource activities.
- 3. It was made clear that the Board of Natural Resources has insufficient staff to engage in priority programming, or to conduct research on natural resource problems. The following response to a questionnaire sent out by the Commission highlights this problem:

"There is a need for an overall state policy concerning natural resources research. Most state agencies conduct their own research, recordkeeping, and data-processing activities. Seldom are these activities scrutinized to determine if they are related, how they might be combined for efficiency, whether we need new studies or what activities begun long ago should be dropped for more important work. The Board is authorized to review all programs and activities of its member agencies but does not have sufficient staff nor does the budget provide funds for the use of consultants."

4. A continuing suggestion, discussed in the legislature but not included in recent changes in the Board's powers, is that the Chairman of the Board of Natural Resources be invited to all meetings of the advisory commissions of the individual departments. However, it was pointed out that the Chairman, a lay individual serving part-time without compensation, simply does not have the time for this activity. This proposal was prompted by the continuing problem of improving information and communication within the Board itself.

5. It is also significant to note that departmental members of the Board are in the unenviable position of evaluating their own programs. One observer stated:

"The most pressing problem of the Board is its inability to enforce requests or recommendations within its own group. There is a need for an overall program planning and evaluation by top-level decision-making powers which will be above the departmental director level but below the Governor's level."

- 6. As noted in the above comment, one of the most pressing problems of the Board is its inability to enforce requests or recommendations within its own group. There is a clear need for over-all program planning and evaluation by an officer not also responsible for department operations and planning.
- 7. There is strong support for the appointment of some person or the creation of some unit that, in practice, could act as coordinator, reviewer, unifier, and evaluator of all programs, plans, policies, and activities concerned with natural resource administration in Maryland. The following comments point up this need:

"All of the present departmental members of the Board are working with natural resources. The Bureau of Mines is not directly represented on the Board, nor are many divisions of agriculture. In addition there are over 20 Boards, Commissions, Committees and other groups which are working in some phase of natural resources and report directly to the Governor. The growth and many diverse activities of the numerous natural resource agencies make it difficult if not impossible for the Governor to give his personal attention to all of these groups."

"There seems to be a lack of communication between this Committee and the Department of Forests and Parks. If this Committee is to function in an advisory capacity it should be informed of the activities of the Forests and Parks in regard to Gunpowder Park."

"The Department of Forests and Parks provides technical assistance on recreation programs to public, commercial, and private organizations. All assistance of this nature should be coordinated through the Department of Forests and Parks and should not be fragmented among other state agencies such as the Department of Chesapeake Bay Affairs, the Department of Game and Inland Fish, the University of Maryland, the Soil Conservation Service, or other agencies of the State."

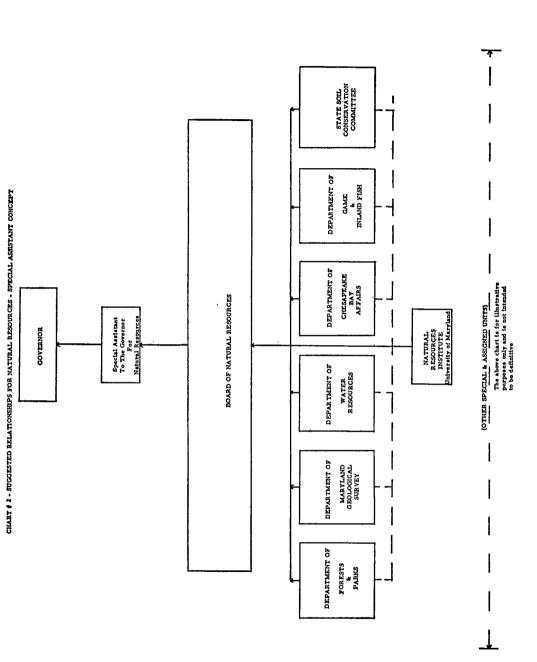
"The government of the State of Maryland has grown so rapidly that it has become an octopus without a head. It is absolutely impossible for the Governor's Office to supervise all of the departments, boards, and commissions and agencies that enter directly to the executive department. The entire structure of the state government should be changed so that every function of the State can be accomplished by eight to twelve departments. Such a grouping of related activities is the only efficient solution to the hodge-podge that currently exists."

SPECIAL ASSISTANT FOR NATURAL RESOURCES

One of the most promising proposals which the Subcommittee feels must be considered as a means of improving resources administration is the appointment of a Special Assistant to the Governor for Natural Resources. This officer, appointed by and responsible to the Governor, would occupy a position between the department heads and the Governor. (Chart 2). He would serve as a communication center between the office of the Governor and those responsible for carrying out natural resource policies and programs. This special assistant would convey the Governor's programs and policies to all natural resource agencies. At the same time these agencies would use the services of this individual to gain an added line of communication directly to the Governor. The resultant elimination of many individuals reporting directly to the Governor on various and sundry problems would greatly increase the efficiency of state administration. It is also envisioned that this individual would play a primary role in the coordination, evaluation, and review of natural resource policies and programs.

There is good reason to believe that the creation and establishment of the position of Special Assistant to the Governor is most adaptable to Maryland practice and procedure and will do much to strengthen the capabilities of the units within the natural resources area both presently and in the future. This factor of adaptability, along with the fact that all existing departments will be retained, will insure the continuing development of natural resources administration with the least amount of disruption of existing programs, plans, and policies.

In its investigation of the natural resources area the Subcommittee has been greatly assisted by the study and report completed by the Maryland State Department of Planning (Future Administration of Maryland Water Resource Activities, March, 1961). Many of the ideas and suggestions contained in this Commission's report reflect such previous studies



and recommendations as well as meetings and discussions with the people most concerned with the administration of natural resources in Maryland.

DEPARTMENT OF NATURAL RESOURCES

The establishment of the position of Special Assistant to the Governor for Natural Resources is by no means the only technique available for strengthening natural resources administration in Maryland. It is also possible, as the following questionnaire response makes clear, to create a Department of Conservation or a Department of Natural Resources (Chart 3) which will embrace all existing operations in this area:

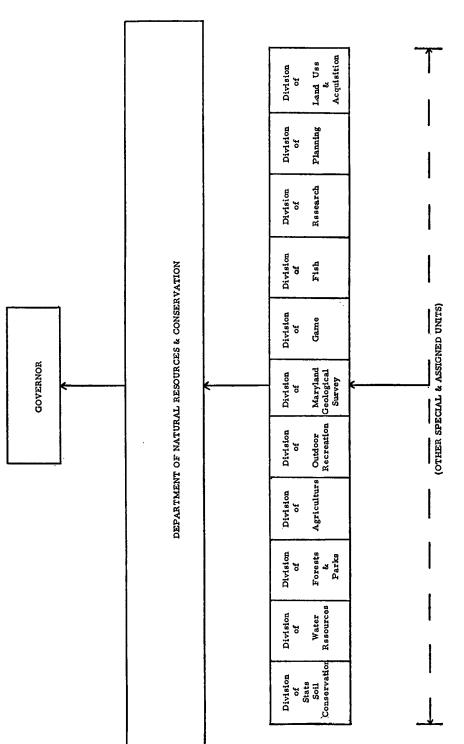
"A loose grouping of related departments and units of State government will not achieve functional program support and coordination. The Commission should strongly recommend the combination of related departments into one department with a cabinet level department head to coordinate the activities of the combined agencies. For example, the Department of Chesapeake Bay Affairs, the Department of Forests and Parks, the Department of Game and Inland Fish, Maryland Geological Survey, Natural Resources Institute, and the Department of Water Resources. The Board of Natural Resources would no longer have a function and could be eliminated."

Although, because of time limitations, the Subcommittee has not fully examined the problems involved in merging all natural resources agencies into a single department, it is clear that this presents an excellent reorganizational possibility.

The Subcommittee would urge that any future study undertaken in this area investigate and evaluate each of the above proposals with a view to deciding which proposal would best accommodate both present and future needs in the State.

Subsidiary problems were also noted, but due to the fact that adequate time did not exist for a broader in-depth study of the many specific areas within natural resources, it was not possible to give adequate or full attention to these problems. The Subcommittee agreed that modernization of natural resources administration requires continual study to keep abreast of changing technologies, programs, and conditions. It is recommended that another group be appointed for a broader in-depth study. The following were identified as areas recommended for future study:

- 1. Creation of a State Department of Agriculture
- 2. Merging of departmental functions



The above chart is for illustrative purposes only and is not intended to be definitive.

- 3. Addition of functions not now formally included in the natural resource area.
- 4. Research and Planning
- 5. Personnel
- 6. Priority programming
- 1) The creation of a State Department of Agriculture has been studied and proposed in the past (Governor's Commission to Study the Advisability and Necessity of the Establishment of a State Department of Agriculture, January, 1961). Our Subcommittee has not had enough time, data, or experience, to enable it to determine whether such a department should be created. Certain data conveyed to this Subcommittee is here set forth to assist in any further study of this problem.

The University of Maryland Board of Regents acts, by law, as the State Board of Agriculture. It enforces all agricultural laws, determines all agricultural policies, directs all market research, has powers of regulation, operates all agricultural extension services, and conducts all educational programs in the field of agriculture. The Subcommittee noted that agricultural programs and policies have an effect on labor, industry, economic development, natural resources, recreation, and federal-state-local relations. Because of the independent position of the Board of Regents of the University, acting as the State Board of Agriculture, the Governor today has no formal power whatever over the direction or content of agricultural policies and programs.

In states that do not have separate state departments of agriculture, all extension, marketing, research, and education activities remain under the jurisdiction of the state university. Any proposal for reorganizing agricultural administration in Maryland should take this factor into consideration.

The University of Maryland, as an institution of higher learning, has been growing by leaps and bounds, and the future continuation of this growth seems well assured. Greater demands will be made upon the general educational responsibilities of the Board of Regents. The question for future consideration is whether the Board of Regents can continue to administer a quality University and at the same time administer the agricultural area, since each of these responsibilities will be even more demanding and important in future years.

- 2) At the present time the following resource agencies are responsible for a major aspect of soil or water conservation:
 - a. State Soil Conservation Commission
 - b. Department of Water Resources

- c. Department of Maryland Geological Survey
- d. Department of Chesapeake Bay Affairs
- e. Department of Forests and Parks
- f. Bureau of Environmental Hygiene of the State Department of Health

The soil of a state is one of its most precious possessions; its conservation, restoration, and wise utilization is of primary importance in a period in which population is growing and the demand for food rapidly increasing.

The same can be said of water. The one ingredient of greatest importance to the life and development of a state is water. An adequate water supply is necessary for survival and health, sanitation, sewage disposal, fire protection, and both agricultural and industrial production.

A unified and coordinated program of water and soil conservancy will enable the units concerned to increase operational efficiency; improve their ability to coordinate programs and policies in their own and related areas; and insure that provisions for future needs are adequate.

The possibility of improving state executive organization in this important area should be thoroughly explored.

- 3) In addition, there should be careful evaluation of further reorganization possibilities in the following areas:
- a. Patuxent River Commission and Advisory Board to the Patuxent River Commission It is recognized that the problems of water-shed development naturally transcend state, county, and municipal boundaries. Some type of permanent unit offering staff and related services could facilitate the programs and functions of this type of regional unit within the State.
- b. Outdoor recreation The establishment of an agency charged with responsibility for outdoor recreation is desirable. This unit might encompass the functions of tourism, boating, recreation, and hunting management. It would seem feasible to place this unit within any one of a number of natural resource agencies (e.g., Forests and Parks, Chesapeake Bay Affairs, Game and Inland Fish). The present fragmentation of this activity is indicated by the following comment:

"The Department of Forests and Parks provides technical assistance on recreation programs to public, commercial, and private organizations. All assistance of this nature should be coordinated through the Department of Forests and Parks and should not be fragmented among other state agencies such as the Department of Chesapeake Bay Affairs, the Department of

Game and Inland Fish, the University of Maryland, the Soil Conservation Service, or other agencies of the State."

This comment is noted merely to illustrate the fragmentation present and not to endorse the proposal. The Subcommittee feels further study is necessary in order to determine where the outdoor recreation unit would be best placed.

- c. Central licensing facilities Investigate the possibility of establishing a central, non-technical licensing unit in the field of natural resources. This agency could relieve the other departments of the burden of handling routine applications for licenses in a variety of areas, as for example, hunting and fishing licenses.
- d. Geological and mining activities It was indicated to the Sub-committee that the Bureau of Mines is an independent unit of the Maryland Geological Survey. There was felt need on the part of the departmental members concerned that some more formal relationships are desirable and should be established.
- 4) The need for research in natural resources, particularly applied research, was continually emphasized in questionnaire comments and discussions. Maryland has a growing economy. In the future it will become more demanding and more complex; its citizens will require more goods and services. To meet these demands and make progress a reality, research is needed to discover ways to increase game, fish, and forest reserves; to expand and develop new uses for state resources and minerals; and, generally, to map out plans and policies for greater conservancy measures.

At the present time the Natural Resources Institute of the University of Maryland is the research arm of the natural resources area. It has been indicated that the primary programs of the Institute are oriented towards basic or theoretical rather than applied research. Immediate and future needs exist in conservation activities for applied research capabilities in the departments themselves. The Subcommittee is of the opinion that this area merits further study and evaluation. The following comments are indicative of the attitude which some natural resource administrators take to the problem:

"The natural resource management agencies should be provided with authority and funds to contract for needed research or to conduct such research. Since 1941 the management agencies have been required to rely on the Natural Resources Institute, University of Maryland, or its predecessor agency, the Department of Research and Education, for their research needs. Such an arrangement may have served the needs of the management

agencies twenty-five years ago. It no longer does."

"Research—As a management agency, the Department of Water Resources must look to other sources for its research needs. Experience has indicated that research agencies are primarily oriented to basic research and are not amenable to undertaking applied research problems more directly related to the Department's activities. While the Department can contract with outside research groups, the Department of Budget has always encouraged the use of the in-state research facilities which are normally associated with universities and are more inclined to basic research.

- 5) In addition to its study of the present organizational structure in natural resources administration, the Subcommittee has also considered the need for new programs and agencies. One of the more fruitful areas for program and agency development in natural resources is air pollution. This is fast becoming a major problem in urban America. It would be well to consider the establishment of a permanent unit with a full time staff to enable Maryland to keep abreast in this fast developing field. Whether this agency should be placed in the area of natural resources or public health is a matter to be determined by future study. Wherever it is placed it is important to prevent domination of the agency by groups that may impede its effectiveness.
- 6) There are clear indications that the recruitment and retention of qualified personnel for natural resources agencies in Maryland has become extremely difficult. Two factors that were brought to our attention were higher salaries on the national level and certain obstacles in the operation of the state merit system. As one observer commented to the Subcommittee:

"The Department of Water Resources has experienced difficulty and will have even more problems in the future in recruiting new employees because of job specifications not applicable to the Department's needs. In some instances the specs are too general, thereby resulting in the formulation of eligibility lists containing few if any persons experienced in the type of work required—e.g., civil engineer. The other extreme also exists—i.e., job specs which are oriented to a specific job in a single agency—for example, the Public Health Engineer position used by the Department of Water Resources and the Health Department is not designed to include persons working primarily in the field of water resource management.

Another personnel problem, probably typical of small agencies, is that related to the 'dead-end position'—i.e. the situation created

when a man has received all of his longevity increases, is capable of assuming more responsibility but no chance of advancement because a higher position does not exist. Even assuming that this employee can be utilized in a job of increased responsibility the Department has nothing to offer him, resulting in the probable loss of this man; usually to the federal government."

To a great extent the health of Maryland's economy depends upon its resource base. Most important economic, social, and recreational activities are directly related to natural resources and in an ecological sense reflect the importance of the natural environment in molding the characteristics of a State. Ocean fronts, lakes, rivers, state forests and parks, mineral resources, plentiful supplies of game and fish, do much to make Maryland a better place to live and work. A well-planned and unified program of land-use, agriculture, and natural resource utilization is necessary if the State is to capitalize on these assets. The proposals presented in this report are designed to provide for the future without undue disruption of present programs and policies. The appointment of a Special Assistant to the Governor for Natural Resources is one step that could be taken to meet the immediate problems of coordination and communication. Further study may also suggest means for the improvement of natural resources administration, either through the strengthening of the existing system or the establishment of a new department.

The Subcommittee believes that the field of natural resources management requires sustained attention to keep abreast of changing technologies and alterations in the environment. This report has been merely a beginning. An effective program of governmental modernization in natural resources can only be pursued through continuing, in-depth studies, not through the appointment of occasional ad hoc commissions.

SUBCOMMITTEE REPORT \mathbf{W}

LAW ENFORCEMENT AND PUBLIC SAFETY

On the basis of its examination of the area of law enforcement and public safety, this Subcommittee believes that while the various departments, boards and commissions within this area function fairly well, definite problems do exist with respect to the coordination of interrelated activities and the duplication of services provided by certain units discussed below.¹ These problems have to some extent been previously recognized, but the various solutions adopted in the past have not provided the coordination and centralization essentially necessary to this area. There is today a clear need for greater coordination and further simplification of the administrative structure.

The Subcommittee feels that the necessary coordination and administrative simplification can best be accomplished through the creation of a position of coordinator or special assistant to the Governor, who would be charged with responsibility for coordinating specific functional areas of the executive branch. Further study may be necessary to determine how many coordinators or special assistants are necessary in the general areas of law enforcement and public safety.

DIVISIONS WITHIN THE AREA OF LAW ENFORCEMENT AND PUBLIC SAFETY

The major units in the general area of law enforcement and public safety form a logical functional area, which in turn can be subdivided into six subgroupings: State Law Department; Regulation and Licens-

¹This chapter was prepared by the Commission's Subcommittee on Law Enforcement and Public Safety under the chairmanship of Mr. James H. Norris, Jr. The other members of the Subcommittee included Mr. John J. Appel, Jr., Mr. Colwell E. Beers, Dr. Marianne Githens and the Honorable Rex A. Taylor. Staff work for the Subcommittee was directed by Mr. David E. Seaman.

ing; Police; Correction; Parole and Probation; and Military and Civil Defense. The State Law Department, because of its role in legal counseling and assistance to almost all units of the State government, was classified as a separate unit for purposes of this study.

STATE LAW DEPARTMENT. The Attorney General, elected by the people for a four year term, is the head of the State Law Department. He serves as legal counsel to the Governor, the General Assembly, and to all departments, boards, or commissions of the State, except the Public Service Commission whose counsel is appointed by the Governor. He may render an opinion on any legal subject or matter upon the request of the Governor, the General Assembly, and any department or agency of the State, and represents the State in all matters in which its interests are involved. He also acts as counsel to the Police Commissioner of Baltimore City, the Register of Wills, the Sheriffs, State's Attorneys and Trial Magistrates of the several counties and the City of Baltimore, and has responsibility for the enforcement of the Subversive Activities Act and the State Securities Act. Finally, all administrative rules and regulations of any State officer or agency must be submitted to the Attorney General for review before they may become effective.

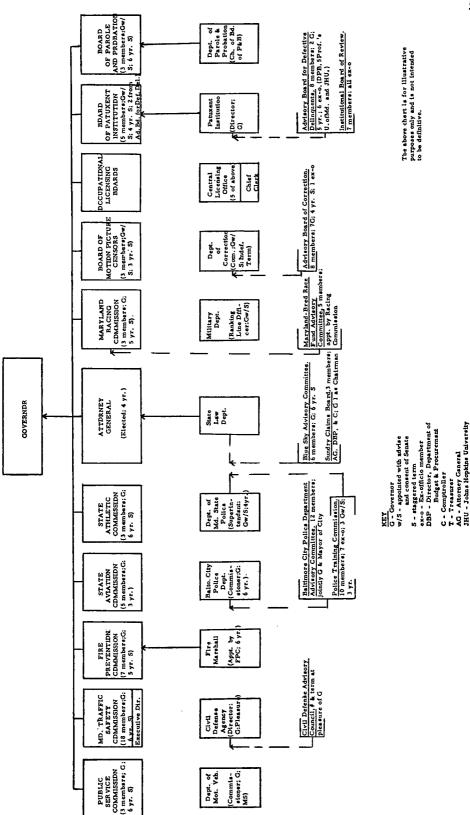
The State Law Department does not represent the Boards of County Commissioners, the County Boards of Education, the County Boards of Supervisors of Elections, or other boards or officials of the Counties which employ their own counsel.

The membership of the Department consists of the Attorney General; a Deputy Attorney General; five assistants plus additional assistants authorized in the budget of the State Law Department and other state department budgets; and such additional assistants as may be authorized by the Governor. All assistants serve at the pleasure of the Attorney General.

The Maryland Blue Sky Advisory Committee, which works closely with the Law Department, consists of six members appointed by the Governor for terms of three years each. The Committee selects its own chairman and meets when called by the Securities Commissioner (head of the Securities Division of the State Law Department) to advise him on matters pertaining to the administration of the Maryland Securities Act.

REGULATION AND LICENSING. The area of regulation and licensing is both broad and difficult to define. In the field of occupational licensing, for example, a clear administrative relationship between the occupational licensing boards and the executive branch of the State government has not been fully provided for in Maryland. At present, the Central Licens-

CHART #1-PRESENT ORGANIZATION OF LAW ENFORCEMENT AND PUBLIC SAFETY



ing Office provides staff assistance and space for recordkeeping for only five of the twenty-two boards, a provision which does not affect the substantial autonomy of any of the boards in its policy making and licensing activities. Throughout State government, many agencies which would not logically fall within the general area of law enforcement and public safety have secondary regulatory or licensing functions. Moreover, some of the agencies within one of the other specialized areas of law enforcement and public safety also have some regulatory or licensing functions (e.g. the State Police Department). The units discussed below were considered by this Subcommittee as having primary regulatory and/or licensing responsibilities.

The Department of Motor Vehicles issues all drivers' licenses; titles and registers motor vehicles; maintains a record of each driver convicted of violating the motor vehicle laws; conducts hearings to determine whether the driver's license should be suspended or revoked, and, when appropriate, orders attendance at DMV Driver Rehabilitation Clinics.

The Medical Advisory Board, appointed by the Commissioner, decides questionable cases as to whether a person is physically or mentally unfit to drive.

The Public Service Commission determines just and reasonable rates of public service companies and enforces these rates. The Commission also regulates the standards of safe, adequate service for any class of public service utilities, including: gas, electric, sewer, telephone, telegraph, heating and refrigeration companies. This Commission consists of three members appointed by the Governor for six year staggered terms. The Governor also appoints the General Counsel upon the recommendation of the Commission. The General Counsel's term is at the pleasure of the Governor.

The Fire Prevention Commission promulgates regulations, serves as a board of appeal for matters connected with the enforcement of the Fire Code, and appoints the Fire Marshal, who is responsible for the enforcement of fire prevention laws and regulations and of laws concerning the adequacy of exits in public buildings. He serves a six year term.

The State Board of Motion Picture Censors, responsible for examining and licensing or disapproving films (except newsreels), consists of three members appointed by the Governor with the advice and consent of the Senate for three year terms.

The State Aviation Commission registers and licenses airports, air navigators, aeronautical schools, and instructors. All federal licenses of Maryland pilots and aircraft must be registered with the Commission.

This Commission consists of five members appointed by the Governor for three year terms and reports annually to the Governor.

The State Athletic Commission, which has supervision over all boxing and wrestling matches and which licenses all groups sponsoring such bouts, consists of three members appointed by the Governor for six year terms. An annual report to the Governor is required.

The Maryland Racing Commission licenses groups which hold races, makes regulations including the size of the purse and the price of admission. It consists of five members appointed by the Governor for five year terms, one of whom must be of the minority party. The Governor designates the chairman and an annual report to the Governor is required. There is also a Maryland-Bred Race Fund Advisory Committee, which assists the Commission in administering the racing funds used for the purses. This Committee consists of five members appointed by the Racing Commission by June 1st of each year.

There are twenty-two occupational licensing boards, some of which use the Central Licensing Office to discharge their duties and keep their records (except where otherwise directed by law to conduct examinations throughout the State). Of the following boards, the ones marked with an asterisk use the Central Licensing Office:

- *1. State Board of Barber Examiners
 - 2. State Board of Chiropractic Examiners
 - 3. State Board of Cosmetologists
- 4. State Board of Dental Examiners
- *5. Board of Examining Engineers
- *6. Board of Electrical Examiners and Supervisors
- **7. State Board of Law Examiners
 - 8. Board of Medical Examiners
- *9. Board of Examining Moving Picture Machine Operators
- 10. State Board of Examiners of Nurses
- 11. State Board of Examiners in Optometry
- 12. State Board of Osteopathic Examiners
- 13. Maryland Board of Pharmacy
- 14. Board of Podiatry Examiners
- *15. State Board of Commissioners of Practical Plumbing
 - 16. Maryland State Board of Public Accountancy
 - 17. State Board of Funeral Directors and Embalmers
 - 18. State Board of Veterinary Medical Examiners

- 19. Board of Physical Therapy Examiners
- 20. Board of Registration for Professional Engineers and Land Surveyors
- 21. Board of Examiners and Registration of Architects
- 22. State Board of Examiners of Psychologists

**The State Board of Law Examiners is appointed by the Court of Appeals and is not a part of the Executive Branch.

While a Central Licensing Office is provided for the convenience of a few of the above mentioned boards, they all appear to be fairly independent. However, they are all assigned to the State Commissioner of Personnel, (Annotated Code of Maryland, Article 41, Sections 213, 220, 1965 Replacement Volume) and must submit an annual report to the Board of Public Works. The Board of Public Works is authorized to determine which of the boards shall discharge its duties at the office of the State Commissioner of Personnel, receives the budget requests of each board, and has extensive powers to determine the staff requirements of each board.

Each board is primarily a licensing board. Each registers people in a specific occupational field. In some cases, several of the boards also possess investigation and inspection powers. The membership of these boards varies anywhere from two to ten members. The terms may vary from two to six years. With few exceptions discussed below, appointments to these boards are made by the Governor. His choice is limited in most cases by such requirements as minimum experience, education, and geographical representation; in many cases, he must choose from a list of nominees prepared by the relevant association (e.g. the Maryland Chiropractic Association supplies a list from which the Governor appoints members of the Board of Chiropractic Examiners).

There are, however, positions which are not filled by the Governor: State Law Examiners are appointed by the Court of Appeals rather than by the Governor; the Governor appoints nine of the ten members of the Board of Funeral Directors, with the tenth member being by law the Director of the State Board of Health or someone designated by him; members of the State Board of Medical Examiners are selected from and by the members of the Medical and Chirurgical Faculty (State Medical Society) but the Governor has the power of removal for certain specified causes; and, the members of the State Board of Podiatry are appointed by the Board of Medical Examiners. Senate confirmation is required only for members of the Board of Funeral Directors and Embalmers and of the State Board of Examiners of Psychologists.

Some of these boards do not appear to be required by statute to report to anyone.² Others are required to report to the Governor, while a few report only to some other specified office or group. The Board of Barber Examiners, for example, reports annually to the Comptroller only, but also is required to notify the State Board of Health of certain inspection findings; the Board of Medical Examiners reports to the Medical and Chirurgical Faculty of Maryland only; the Board of Podiatry to the Board of Medical Examiners only; and the State Board of Law Examiners to the Court of Appeals only.⁵

While the removal power of the Governor is not always mentioned in those statutes which define the licensing and regulatory boards, it should be noted that Article II, Section 15 of the Constitution of Maryland provides that the Governor ". . . may remove for incompetency, or misconduct, all civil officers who received appointments from the Executive for a term of years." Where the removal power of the Governor is specifically provided for by statute, it is often dependent upon the initiative or recommendation of a specified State association. For example, the Governor must remove a member of the State Board of Veterinary Examiners upon recommendation of the Maryland State Veterinary Association (such recommendation having been made after a proper hearing, or due revocation of such member's license).

The Board of Boiler Rules, associated with the Department of Labor and Industry, formulates and enforces regulations regarding the construction, installation and maintenance of boilers of over fifteen pounds per square inch.

The Subcommittee recommends a consolidation of the various licensing and regulatory functions within a designated administrative unit. Possibly,

² It should, however, be noted that the Administrative Procedure Act (Annotated Code of Maryland, Article 41, Sections 244-256, 1965 Replacement Volume) apparently applies to all of these boards. Under the applicable provisions, the boards are required to promulgate their regulations annually, after first submitting their final compilations to the Secretary of State for his approval. This Act also provides for declaratory judgments through judicial process in the courts to test the validity of any rule.

The right to judicial review is usually provided for in the applicable sections of the statute pertaining to each board. Where such right is not specifically provided for, this Act in Section 255 seems to fill the gap. "Any party aggrieved by a final decision in a contested case, whether such decision is affirmative or negative in form, is entitled to judicial review thereof under this subtitle." (Annotated Code of Maryland, Article 41, Section 255a.)

² Since the State Board of Law Examiners is appointed by and reports to the Court of Appeals, it falls within the Judicial rather than the Executive Branch of the State government.

the Securities Commissioner should be moved from the State Law Department and made a separate division of this administrative unit. There should also be separate divisions for the State Aviation Commission; the Maryland Racing Commission; and Occupational Licensing boards and other units. This last division should, in effect, be an expansion of the present Central Licensing Office to the extent that centralized staff assistance and recordkeeping would be made available to all the occupational licensing boards. The individual licensing boards should, however, maintain their present autonomy.

Although the functions of the Department of Motor Vehicles and the Public Service Commission involve licensing and regulation, it is the view of the Subcommittee that they continue to operate as separate units outside the jurisdiction of the administrative unit. Their functions, however, should be closely coordinated with other licensing and regulatory departments, agencies, and boards through a coordinator or special assistant.

It is further recommended that the Traffic Safety Commissioner should be enabled to coordinate fully the activities of all agencies involved in any way in traffic safety and to undertake long range planning in this field.

Policing. Two State agencies perform police functions as such: the Baltimore City Police Department and the Department of Maryland State Police.

The Baltimore City Police Department came under the control of the State in 1867. The head of the department is the Commissioner, who is appointed by the Governor for a six year term. He must report at least annually to the Governor as well as to the Mayor and City Council of Baltimore. He may be removed by the Governor for official misconduct, malfeasance, inefficiency, incompetency, and prolonged illness "in the manner provided by law in the case of civil officers." (See Constitution of Maryland, Article II, Section 15; Annotated Code of Maryland, Article 41, Sections 54-56, 1965, Replacement Volume.)

A personnel Service Board is authorized to consider and evaluate specific suggestions by members of the Police Department bearing upon efficiency, economy, or other improvement and to consider and evaluate the problems of individual members. The Board consists of seventeen members, one of whom is appointed by the Commissioner to serve at his pleasure, and sixteen elected by the members of the Department. The Baltimore City Police Department Advisory Committee, whose twelve members are appointed jointly by the Governor and the Mayor, advises the Department on matters regarding community relations.

The Department of Maryland State Police is generally charged with the inforcement of the motor vehicle and criminal laws of the State excluding, under certain conditions, Baltimore City and other subdivisions of the State, as defined in the Annotated Code of Maryland. The Department is also charged with the licensing of private detectives; the registration of firearms; the licensing of qualified garages and other facilities to make inspections and corrections of motor vehicle equipment and mechanisms; and the certification that used motor vehicles, for which titles are sought, meet the equipment standards promulgated by the Department of Motor Vehicles. Through its Investigation Division, it maintains fingerprint and photographic files. Within this Division is the Central Crime Records Bureau to which every law enforcement or police agency within any political subdivision must send identification material, including fingerprints if taken, regarding any arrested person. The Central Crime Records Bureau also receives such identification matter from the warden, jailer or other person in charge of any jail, penitentiary, or other institution, including the Patuxent Institution. The Intelligence Unit has been given primary responsibility for collecting, evaluating, filing for ready reference, and disseminating intelligence on organized crime. The Central Accident Records Bureau receives motor vehicle accident reports from all police agencies, and publishes monthly summaries in cooperation with the Maryland Traffic Safety Commission.

The Department maintains a Police Academy for the training of its own personnel; these facilities are available to other law enforcement agencies.

The Department is headed by a Superintendent who is appointed by the Governor with the advice and consent of the Senate for a term of four years. He may be removed by the Governor for official misconduct or incompetency and must report annually to the Governor within thirty days following the close of the fiscal year.

There was established, on June 1, 1966, a Police Training Commission consisting of ten members, seven of whom are ex officio, including the Superintendent of the Maryland State Police; the Commissioner of the Baltimore City Police Department; the president of the Maryland Chiefs of Police Association; the president of the Maryland Law Enforcement Officers, Inc.; the Attorney General of the State of Maryland; the President of the University of Maryland; and the agent in charge of the Baltimore office of the F.B.I. This Commission prescribes standards for in-service schools, inspects such schools, prescribes their curriculum, issues certificates of completion, and makes continuous studies. The three non-ex officio members today are three police officials of the State appointed by the Governor, with the advice and consent of the Senate, to

represent the State geographically. The latter serve three year staggered terms. The Commission must report at least annually to the Governor and the legislature. The Subcommittee recommends continued cooperation and the extension of this training.

CORRECTION. The correction of convicted persons is administered by two State units: The Department of Correction and the Patuxent Institution.

The Department of Correction administers correctional institutions, including the Maryland Penitentiary, the Maryland House of Correction, the Maryland Correctional Institution—Hagerstown, the Maryland Correctional Institution for Women—Jessup, and the five Correctional Camps. The head of the department is the Commissioner of Correction who is appointed by the Governor for an indefinite term, with the advice and consent of the Senate. The Commissioner is in sole and active charge of the Department and of its several institutions and agencies and is responsible solely to the Governor.

A deputy Commissioner of Correction is appointed by and serves at the pleasure of the Commissioner. He is generally in charge of custodial matters, problems, and procedures for treatment and rehabilitation, prison-use and institutional-use programs, and the State-Use Industries work programs.

An annual report must be presented to the Governor and an annual statement of receipts and disbursements must be made to the Comptroller. This statement and the annual report to the Governor must be communicated to the legislature by the Governor with his recommendations.

The Advisory Board of Correction consists of eight members, one of whom is the Chairman of the Board of Parole and Probation, ex officio, and one of whom must be a woman. The Governor appoints seven members for four year terms. This Board meets at least bi-monthly to study, make suggestions, and generally advise the Department.

The Maryland Penitentiary is a maximum secruity prison for the confinement of long-term male convicts convicted by the Circuit Courts of the State and by the Criminal Court of Baltimore. Its major employment program is the use of the State-Use Industry Shops in the manufacture of signs, license plates, etc. The Penitentiary is under the charge of a warden appointed by the Commissioner for an indefinite term at the pleasure of the Commissioner. The Commissioner may appoint assistant wardens. An annual report to the Commissioner is required.

The Maryland House of Correction is a medium security institution for male offenders serving sentences of three months or longer. Its agricultural operations include farming and dairying, the products of which are utilized by other correctional institutions. State-Use Industries Shops produce paint, woodworking items, soap, and clothing. The Warden is appointed by and serves at the pleasure of the Commissioner. An annual report to the Commissioner is required.

The Maryland Correctional Institution—Hagerstown is a medium security institution for male offenders from 16 through 25 years of age serving indeterminate sentences which have maximum limits. The Commissioner may authorize transfers of prisoners, regardless of age, to and from this institution. A forty-eight bed Pre-Release Center assists inmates in adjusting to the outside community. State-Use Industries activities and farm operations are provided for the training and employment of inmates. This institution is supervised by a Superintendent who is appointed by and serves at the pleasure of the Commissioner. The Superintendent is required to make an annual report to the Commissioner.

The Maryland Correctional Institution for Women—Jessup is the place of confinement and training for adult female offenders who have been convicted of felonies or misdemeanors and have been sentenced to confinement in a correctional institution other than a jail. There is a Superintendent appointed by the Commissioner for an indefinite term at the pleasure of the Commissioner. An annual report to the Commissioner is required.

The Department of Correction now operates five correctional camps located in various places throughout the State. Each provides work and other rehabilitative facilities for men transferred to these minimum security installations subsequent to classification and careful screening. Inmates work on projects of the State Roads Commission, State Forests and Parks, county government agencies, farming operations, laundry operations, and the Work Release program. While not specifically provided for by statute, the Director of the Correctional Camp System is designated by the Commissioner of Correction. Each separate camp has a supervisor who is apparently appointed by the Commissioner since the statute prescribes that the Commissioner shall appoint assistant wardens or superintendents for indefinite terms at his pleasure. An annual report to the Commissioner is required.

The Central Laundry Correctional Camp, a combined laundry and correctional camp, serves the laundry needs of institutions under the jurisdiction of the Department of Mental Hygiene.

The Patuxent Institution is charged with the responsibility for the confinement and treatment, when appropriate, of adult criminal offenders classified as defective delinquents under Article 31B of the Annotated

Code of Maryland.⁴ It is also charged with the confinement and diagnosis of offenders referred by the Courts for determination, based on thorough psychiatric examinations, of their condition under that statute. The Institution is headed by the Board of Patuxent Institution, which is comprised of a chairman and four associate members. The members are appointed by the Governor with the advice and consent of the Senate for four year terms with the limitation that two of the members must be chosen from the Advisory Board for Defective Delinquents, and one of these must be a psychiatrist. The Governor may remove any member of this board for disability, neglect, malfeasance, after such member has been given a copy of the charges preferred and the opportunity of being first publicly heard. If such member is removed, the Governor must file with the Secretary of State a complete statement.

The Board, the members of which serve without pay, determines institution policy concerning the management, control and supervision of the institution and has full power to make, repeal, or amend any rule or regulation for the operation, discipline, and administration of the institution.

The chief administrative officer of the Institution is the Director who is appointed by the Governor from a list supplied by a special committee which consists of: the professor of psychiatry of the Medical School of the University of Maryland; the professor of psychiatry of the Medical School of the Johns Hopkins University: the chairman of the Board of Correction; and the chairman of the Board of Patuxent Institution. This officer must be a trained psychiatrist with at least five years experience in the teaching of psychiatry and holds his office during good behaviour. By law, "any director so appointed shall hold his position on probation for the first six months after assuming his duties therein and during that time shall be subject to removal by the Governor. Thereafter, he shall hold his office during good behavior, and shall be subject to removal only after charges have been preferred against him to the Governor . . ." (Annotated Code of Maryland, Article 31B, Section 2, 1965 Supplement.) There are three Associate Directors, two of whom must be trained psychiatrists with at least three years' experience in the practice of teaching psychiatry; the third is charged under the Director with the custodial duties of the institution. They are appointed by the

⁴ A defective delinquent is defined as "an individual who, by the demonstration of persistent aggravated antisocial or criminal behavior, evidences a propensity toward criminal activity, and who is found to have either such intellectual deficiency or emotional unbalance, or both, as to clearly demonstrate an actual danger to society so as to require such confinement and treatment, when appropriate, as may make it reasonably safe for society to terminate the confinement and treatment."

Director subject to the approval of the Board of Patuxent Institution, and are not included in the merit system.

The Advisory Board for Defective Delinquents confers with the staff of the Institution and with the Board to give general consultative advice. This board, which must authorize any surgical operations performed as treatment, is composed of eight members, two of whom are lawyers from the Maryland Bar appointed by the Governor for five year terms and one of whom is the Director of Parole and Probation. The other five are professors of specified subjects at Maryland and Johns Hopkins, or their representatives.

There is also an Institutional Board of Review, comprised of seven members, all of whom are designated by law as follows: a sociologist appointed by the Board of Patuxent Institution; the member of the bar who has served the longest on the Advisory Board; the Professor of Law from Maryland University who is on the Advisory Board; and the Director and the three associate directors of the Patuxent Institution. The Institutional Board of Review re-examines every patient at least once a year, sets terms and conditions for leaves and parole, and makes recommendations to the courts regarding the termination of indeterminate sentences.

The relationship between the Department of Correction and the independent Patuxent Institution has been the subject of recent studies which show that the question is related to problems pertaining to the adequacy of sentencing laws which are not within the scope of this committee's consideration. Further, the Institution still appears to be in its experimental stage.

A Sundry Claims Board, which administers claims filed by any prisoner injured while working for compensation in any institution under the supervision of the Department of Correction or in the Patuxent Institution, is composed of three members: the Attorney General or his representative; the Director of the Department of Budget and Procurement or his representative; and the Comptroller or his representative.

Parole and Probation. Responsibility for paroling prisoners rests with the Department of Parole and Probation, the Governor and the Institutional Board of Review of the Patuxent Institution.

The Department of Parole and Probation is headed by the Board of Parole and Probation, which consists of a chairman and two associate members appointed by the Governor with the advice and consent of the Senate for six year staggered terms. The Governor may remove any member for disability, neglect, malfeasance, giving such member a copy

of the charges preferred and the opportunity of being publicly heard. An annual report to the Governor is required.

The Board of Parole and Probation may, upon the vote of two of its three members, parole any person confined in the penal and/or correctional institutions of the State except those serving life sentences. Parole of prisoners sentenced to life is the joint responsibility of the Governor and the Board. Second offenders for violations of the narcotics laws may not be given favorable consideration until they have served a minimum of five years. Third offenders for violations of the narcotics laws must first serve ten years. The Board also controls the release of prisoners serving indeterminate sentences at the Maryland Correctional Institution for Women and the Maryland Correctional Institution. It is not, however, responsible for paroles from the Patuxent Institution. The Institutional Board of Review, which, as noted above, is connected with the Patuxent Institution, is authorized to grant paroles from that institution when it is determined that society and the patient would benefit from such action.

The Chairman of the Board of Parole and Probation serves as Director of the Department and, as Director, is an ex officio member of the Advisory Board of Correction.

The Department administers the Interstate Compact and also makes available the services of its parole and probation officers to the Circuit Courts for the respective counties, the Criminal Court of Baltimore and the Municipal Court of Baltimore City and Peoples' and Magistrates Courts.

MILITARY AND CIVIL DEFENSE. The Governor is the Commander-in-Chief of the State's military forces—i.e., the National Guard—except when such forces are called into national service, in which case he may establish a State Guard. Article II, Section XV of the Constitution of Maryland provides that the Governor may suspend or arrest any military officer of the State for disobedience of orders, and may remove him in pursuance of a sentence of a court martial.

The Military Department is headed by the Adjutant General, who is appointed by the Governor with the consent of the Senate and serves until his successor is appointed and qualified or until he is removed from office as a result of sentence imposed by court martial. By law, he exercises all his powers and duties under the Militia Law of Maryland. He is the custodian of all State and federal property used by the organized militia and apportions and provides for the proper application of funds for the military establishment. He also maintains all State-owned armories located in Maryland and all other properties which may be

occupied, purchased, or leased by the Military Department. He makes all regulations for the use of such facilities. An annual report from the Military Department to the Governor is required.

The Military Department prepares all State forms and records required by the State militia, and reports and returns required by the federal government. It maintains a record of all commissioned officers and of all officers and enlisted men of the Maryland National Guard.

The Civil Defense Agency is a coordination agency which assists the county and the Baltimore City defense organizations in the conduct and planning of the National Defense Program. It is headed by the Director of Civil Defense who is appointed by the Governor and serves at his pleasure. He is responsible to the Governor for the coordination of the State's disaster relief operations in the event of the declaration of a "major disaster," as defined in various sections of the Maryland Code.

The Civil Defense Advisory Council, which advises the Governor and the Director of Civil Defense, is composed of such number of members as the Governor shall determine. They are appointed by him and serve at his pleasure.

COMMUNICATION AND COORDINATION. While functional areas exist, they exist for primary program and coordination purposes only. For example, the functions of the Departments of Correction and Parole and Probation and Patuxent Institution should be closely related in some respects to the functions of the Departments of Health, Mental Hygiene, Public Welfare, Education, Employment Security, and Juvenile Services. Therefore, it is clear that not only is functional coordination necessary between units within the area of law enforcement, but some coordination is also necessary between certain of these units and others not within this area.

At present, this necessary coordination is largely achieved through informal arrangements. Where a formal method does exist, as in the case of the relationship between the Department of Correction and the State Department of Parole and Probation, it is achieved through interlocking advisory boards. The Director of Parole and Probation, for example, is by law a member of the Advisory Board of Correction and is also a member of the Advisory Board for Defective Delinquents for the independent Patuxent Institution. This arrangement, if continued, should be logically extended to make the Commissioner of the Department of Correction or his representative a member of the Board of Parole and Probation.

It has been suggested that this method could be expanded and possibly become more efficient. But it is important to note that there are definite weaknesses inherent in such a system. Service on many boards is time consuming; if done properly, it places a great burden on the heads of departments. Carried to its logical conclusion such a system would require the setting up of many more advisory boards. In effect, the Subcommittee finds that the advisory board system has not proven totally effective in the past.

It is recommended that the present system of such advisory boards should be discontinued and a system established which provides for one board consisting of the department heads in related areas. Such a board should meet periodically and/or at the direction of the coordinators or special assistants previously recommended.

QUESTIONS FOR FURTHER CONSIDERATION. The Subcommittee believes that further study is needed for consideration of the following questions:

- 1. Whether the work of certain county probation boards should not be supervised by the State Department of Parole and Probation?
 - 2. Whether the Board of Motion Picture Censors should be retained?
- 3. Whether the role of the Fire Prevention Commission should be expanded to include coordination of all agencies concerned with fire prevention?
- 4. Whether the Military Department and the Civil Defense Agency should be combined to form a single department?
- 5. Whether the administration of the Sundry Claims Board by the State Law Department should be more explicitly provided for by law?

SUBCOMMITTEE REPORT ${f V}$

FISCAL MANAGEMENT

The administrative agencies responsible for fiscal management activities constitute a major force in State government.¹

Under the law and constitution of Maryland, the Governor is the chief executive officer of the State. If he is to discharge his responsibilities effectively, he should be a strong executive, directly responsible for the conduct and procedures of the executive branch, including the direction of vitally important revenue and expenditure activities.

This role of the Governor is, in fact, often difficult to implement, in Maryland as in a number of other states. In Maryland, there are several major checks or limitations on his role, two of which originate in the area of fiscal management.

One of these checks is the office and role of the Comptroller. Under constitutional provisions, the Comptroller is, like the Governor, elected by the people. He is, by law, charged with responsibility for the administration of those activities concerned with the collection of the State's vast revenues, including income, sales, and other taxes.

A second limitation on the role of the Governor in Maryland is provided by the State Treasurer. By constitutional provision, this officer is elected by the State Senate and the House of Delegates, acting in joint session. Under law, he is responsible for the safekeeping and investment of State funds.

Consequently, there are in Maryland three elected State officers who, by law, exercise primary responsibilities for specified areas of State fiscal management activities. Their separate powers and roles, however, are substantially increased by those which they jointly possess as members

¹This chapter was prepared by the Commission's Subcommittee on Fiscal Management under the chairmanship of the Honorable Joseph Sherbow. Other members of the Subcommittee included Mr. Samuel W. Borden, Mr. Calvert C. McCabe, Mr. Bernard F. Nossel, and Mr. James G. Rennie. Staff work for the Subcommittee was directed by Mr. Joseph J. Contrucci and Mr. Michael G. Staed.

of the constitutionally-created Board of Public Works, which is, in fact, one of the most powerful units of State government.

Both the membership and the role of each member of the Board of Public Works are significant, for, by constitutional stipulation, a decision by any two of the three members of the Board is binding. Particular problems therefore may arise when the Governor is from one political party and the Comptroller and Treasurer are from another. The Governor must live with his Board of Public Works, although he is presumed to be the strong executive directly responsible for executive decisions.

One of the Governor's continuing and primary tools as chief executive today is the power of budget-making. Because, in Maryland, the legislature may reduce but may not increase the amounts included in the executive budget, the power of the Governor in shaping the initial allocation of funds is substantial. But in the day to day functioning of State government, and particularly in the making of decisions vitally affecting the operations of State government, he is bound by many decisions of the Board of Public Works.

Today, new concepts of executive leadership, organization, and responsibility are being put forward in Maryland. Serious consideration is being given to proposals for vesting greater power and responsibility in a single, elected State officer, the Governor. The Commission on the Constitutional Convention (the Eney Commission) has considered that the office of the Comptroller be made an appointive office and that the office of the Treasurer, if retained, also be made appointive. If this proposal is adopted, the Governor, of these three executive officers now elected, will be the only elected executive officer of State government. He will, in consequence, be the State's chief executive officer in reality as well as in theory. As chief executive, he will be directly responsible to the people and will possess, rather than share, authority equal to that responsibility.

In light of the fact that a constitutional convention will be held in the latter part of 1967, and that, during the convention, the entire organization of State government, including the area of fiscal management, will be subject to consideration and possible major constitutional revision, this Subcommittee makes no recommendation at this time for specific organizational or statutory change with respect to the Comptroller's and Treasurer's offices.

The Subcommittee makes no such recommendations because such change depends directly upon and therefore must follow constitutional revision. If, for example, the Comptroller should become an officer

75

appointed by the Governor, there would have to be a subsequent realignment and reallocation of the many activities and responsibilities of the bureaus now under his direction. There would also need to be a new and clear redefinition of the relationship between the Comptroller and the Governor, as well as a change in the powers and role of the Board of Public Works. The Board would no longer be the kind of agency it is today, dealing with both major and minute details of State government. (A look at its agenda reveals that it may, on occasion, consider up to one hundred different items on a single day.)

Similarly, if the office of Treasurer is retained and made appointive, there would probably be a substantial change in its roles and responsibilities. The departments now under the direction and supervision of both the Comptroller and Treasurer, whose employees are now responsible to officials other than the Governor, would have their duties redefined.

Constitutional revision of the offices of the Comptroller and Treasurer would also require a subsequent change in the organization and process of revenue estimating. Today, responsibility for determining the amount of revenue which will be raised from all sources of revenue rests with the Board of Revenue Estimates. This Board is composed, by law, of the Comptroller, the Treasurer, and the Director of the Department of Budget and Procurement. A Bureau of Revenue Estimates, whose director is now appointed by the Comptroller, now serves as staff agency to this Board.

In considering proposed constitutional revision and subsequent executive reorganization, it is the Subcommittee's view that the question of checks within and upon the executive branch is of major importance and should be given full and careful consideration. Today, such checks are, in theory, accomplished by the existence and powers of the constitutionally-established offices of the popularly-elected Comptroller and the legislatively-elected Treasurer.

If the present system of checks within the executive branch itself, and, specifically, within the fiscal management area of that branch, is not continued by constitutional provision, it will undoubtedly mean that the powers of the Governor can find an effective check only in the powers and actions of the legislature. There will be no possibility that effective checks on his actions can be accomplished by other executive officers, since they will be appointed by and responsible to him except in those instances in which their terms of office are not coincident with his own. If the present system of executive checks is not retained, then care should be taken to insure that a full and effective system of checks and balances between the executive and legislative branches is maintained.

In any case, fiscal management activities today consitute a major and central force in State government. The Subcommittee has surveyed and assembled valuable data as to the duties, responsibilities, and activities of each of the twenty-one units working in the fiscal management area, and their interaction with other groups. It reviewed the recommendations of agency heads for possible organizational and procedural changes to maximize efficiency and to permit better functioning of their agencies by possible merging of functions to avoid duplication and overlapping.

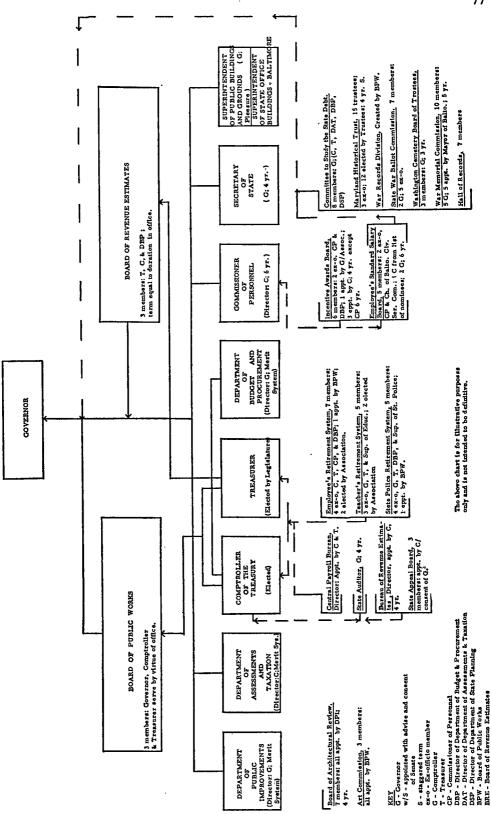
In its investigation, the Subcommittee gave separate attention to the Board of Public Works, because of its unique powers and responsibilities. The other units surveyed fall logically into three functional areas: revenue management and financial administration; personnel management; and records management. The rest of this chapter presents the views of the Subcommittee on each of these areas.

THE BOARD OF PUBLIC WORKS

The duties and responsibilities of the Board of Public Works are vast. It exercises, for example, primary responsibility for the creation of the State debt. Loans must, of course, first be authorized by the legislature, but it is the Board which makes the necessary decisions for floating bonds. The Board also contracts for the expenditure of the proceeds of approved loans, except where this is a responsibility specifically delegated to another agency, as for example the State Roads Commission. It also supervises expenditures in connection with the acquisition of land, buildings, and other public facilities, and approves contracts for such acquisition, after these are prepared and reviewed by the Director of the Department of Budget and Procurement and by the Department of Public Improvements.

Leases for land, building and office space, the designation of architects for the construction of State public works projects, the temporary borrowing of monies, within the limitations of the law — these only begin to suggest the numerous and far-reaching duties and responsibilities of the Board. An examination of its continuing responsibilities, by a perusal of its agenda, would give a clear idea of how day to day operations of State government are not always in the hands of the Governor, but rather are, in large part, the responsibility of a board of which he is only one of three members.

The role of the Governor in the decision-making of the Board, already noted, presents a major area for future consideration. Present constitu-



tional provisions, Article XII, Section 2, state that a majority of the members of the Board shall be competent to act in all matters which come before it. Under this provision, it is entirely possible for the two other members of the Board to override the policies and proposals of the Governor and, in effect, to play a role which is, in theory, assumed to be that of the chief executive. While Maryland has been fortunate that the decision-making rules of the Board have not disrupted or seriously impaired State executive activity and development, the impact of this rule upon future executive leadership and responsibility should be carefully evaluated.

The Board's continually expanding role presents a second area for consideration. Over the years, by the gradual legislative authorization of additional roles and responsibilities, the Board has become both a central decision-making unit and one responsible for the administration or supervision of more than thirty activities not otherwise allocated to other agencies of State government. The very heavy burden which such day to day responsibilities now place upon the Board, and the feasibility of reassigning some or all of these responsibilities to other agencies of State government, should be fully investigated.

The major question involving the Board of Public Works today is that of its future role. If proposed constitutional revisions are adopted, duties and responsibilities now delegated to the Board by law would become those of the Governor or of executive officers appointed by and responsible to him.

If, ultimately, the Board of Public Works is eliminated as a unit of State government in Maryland, care must be exercised to insure that the decisions made by any board which may succeed the Board of Public Works will be made in the open, at public meetings where hearings are held, proper minutes kept, and decisions subject to public scrutiny.

REVENUE AND FINANCIAL ADMINISTRATION

The major processes of revenue management and financial administration are, by law, performed by four major operating departments: the Comptroller of the Treasury, the State Treasurer, the Department of Assessments and Taxation, and the Department of Budget and Procurement. Several boards, committees, and other smaller units of government also participate in specific aspects of these activities.

The multiple responsibilities and activities associated with the collection and management of the State's revenues are today under the direct supervision of the Comptroller of the Treasury. By law, he is responsible for the general supervision of the State's fiscal affairs, for the collection of taxes and other revenues, for the planning and management of State revenues, and for the support of the State's credit. He is responsible for accounting for State revenues and expenditures, for preparing financial reports, and for countersigning all checks drawn by the Treasurer upon deposits of the State.

A survey of the activities performed by the bureaus and units under the Comptroller's direction indicate the volume and variety of his responsibilities. Such activities include the collection of income, retail sale and use taxes, alcoholic beverage excise taxes, estate and others; the maintenance of the State's financial, surety bond, and other records and accounts; preparation of monthly appropriation and fund balance statements for each State agency; distribution of specified revenues; enforcement of the State license and tax laws, including investigatory and audit procedures; the control and regulation of the manufacture, sale, transportation, and distribution of alcoholic beverages within and out of the State; and the issuance of certain licenses.

In addition to these responsibilities, the Comptroller designates the scope of the activities of the State Auditor. The Auditor, appointed by the Governor for a four year term, is responsible for the annual audit of the books, accounts, records, and reports of State government. On the basis of the Auditor's reports, or on his own initiative, the Comptroller may order and direct State offices to adopt and follow methods of conducting their offices, of keeping books and accounts, and of accounting and reporting, as he may deem proper.

Three additional offices of State government are, for administrative purposes, located in the office of the Comptroller: the State Appeal Board, a licensing and appeal body with jurisdiction limited to a few counties on the Eastern Shore; the Bureau and Board of Revenue Estimates, which prepare annual estimates of probable State revenues; and the Central Payroll Bureau.

The safekeeping, disbursement, and investment of State funds are the primary responsibility of the State Treasurer. The activities conducted through the office of this legislatively-elected officer include receiving, depositing, disbursing, and accounting for State funds; designating those institutions in which State funds will be invested; serving as custodian of securities pledged by insurance companies and building associations, as required by State law; providing for the payment of interest on the State funded debt and for the redemption of bonds at maturity; and placing various insurance coverages on all insurable property of the State. This officer is also responsible for accounting for all deposits

made each day by some one hundred fifty State agencies in depositories which he has designated.

Property assessment and taxation responsibilities are now located in the Department of Assessments and Taxation, an agency created in 1959 to supersede the State Tax Commission. The Director of the Department is an officer appointed by the Governor who serves thereafter under the provisions of the State merit system. The functions and activities under his direction include supervising the administration of both State and local governmental assessment and taxation laws; enforcing the continuing assessment or review of all assessed property in the State; and examining and supervising the Supervisors of Assessment in the counties and Baltimore City. He is also responsible, by law, for appointing a Supervisor of Assessments for Baltimore City.

Budget and purchasing activities of State government are combined in the single Department of Budget and Procurement. The Director of the Department is appointed by the Governor and serves an indefinite term. Under the supervision and direction of the Director, the Department's Budget Bureau performs the budget function of State government. It prepares a tentative budget for the Governor's consideration, reviews all budget requests and amendments presented by various State agencies, prescribes the form of appropriation requests, and prepares supporting data for submission with the budget bill. In addition, this Bureau assists the Department of Planning in its preparation and updating of the long-range State public works and major capital improvements program and is directly responsible for reviewing all leases for the rental of office space for State governmental agencies, prior to the submission of such leases to the Board of Public Works.

Through the Department's Purchasing Bureau, the Director supervises and directs the purchase and storage of all supplies, material, and equipment used by State agencies.

Two additional responsibilities of the Department of Budget and Procurement are of particular interest, since they relate directly to future State governmental development and modernization. In 1966, the Department was given responsibility for coordinating the data processing activities and systems development of all State government agencies. The development and full coordination of such activities and systems will be of major importance to effective records maintenance and information retrieval and for the continuing study and evaluation of State governmental programs, costs, and needs. This responsibility of the Department should periodically be reviewed, to insure its full and effective develop-

ment as a major tool for State governmental administration, planning, and budget making.

The Director of the Department is, by law, also charged with full responsibility for the continued examination and evaluation of State agency organization, administration, and functions. He is to make periodic reports and recommendations to the Governor for administrative reorganization, the reallocation of responsibilities, and other changes which may be necessary to eliminate duplication, prevent overlapping activities, or otherwise serve the best interests of the State.

Other avenues for future organization of activities within the scope of the five major departments discussed here should also be explored. Fuller coordination of State activities concerning buildings, space allocation, and physical plant maintenance, for example, should be studied. At the present time, the Department of Public Improvements, whose Director is appointed by the Governor for a four year term, is now generally responsible for the construction, maintenance, and repair of buildings, structures, and other public works of the State. In addition, the Department of Budget and Procurement now generally provides staff assistance to State agencies for building maintenance and operations. The duties of both these departments in the general area of maintenance, repair, and building engineering and construction activities could be studied for possible consolidation.

PERSONNEL ADMINISTRATION

An activity closely related to the modernization and continued development of State governmental organization is that of effective personnel administration and development.

At the present time, primary responsibility for personnel activities rests with the Commissioner of Personnel, an officer appointed by the Governor for a six year term. The Commissioner administers the State Merit System Law and, with the approval of the Governor, makes such rules as he deems necessary to carry out the law. He may establish classes, abolish or alter existing classes, and classify positions within such classes, as appropriate. He may investigate the enforcement and effect of the merit system, the conduct of classified employees, methods of personnel administration, and the nature, tenure, and compensation of all classified positions. He is responsible for investigating the efficiency of all classified employees and for reporting his findings to the Governor, with recommendations for increased efficiency and economy.

Specific aspects of personnel administration and development now rest with designated boards, of which the Commissioner is, by law, a member.

He is Chairman of the State Employees Standard Salary Board, which is responsible for preparing and recommending to the Governor a pay plan for the State's employees. Other members of this Board are the Chairman of the Civil Service Commission of Baltimore City, one person appointed by the Governor from a list of three names submitted to him by the Maryland Classified Employees Association, and two persons appointed by the Governor to represent the general public.

Again, by law, the Commissioner is Chairman of the State Incentive Awards Board, a unit responsible for conducting the State incentive awards program for classified employees. Other members of this Board are the Director of Budget and Procurement and four persons appointed by the Governor, one of whom is selected from a list of nominees presented by the Classified Employees Association.

In any future reorganization of State revenue, management, and related activities, the nature of the administration and enforcement of merit system laws should be evaluated, to determine whether this function is one which should be directly responsible to the Governor or whether it could function independently within a consolidated department of administration.

INFORMATION SYSTEMS AND RECORD MANAGEMENT

Records management is a substantial governmental activity and responsibility. In Maryland, this activity is now taking on new dimensions, in light of recent steps toward the development and coordination of data processing and information systems.

As a part of any study of data processing and information systems development, particular attention should be focused upon the broad question of record maintenance, facilities, and management. At the present time, each department and operating unit of State government is responsible for certain records and for record retention, as a secondary but essential part of its own activities. In addition, several offices have, as their primary responsibility, the management and safekeeping of both current and historical records of the State. Among these offices are those of the Secretary of State, the Hall of Records Commission, the War Records Division, and the Maryland Historical Trust.

Some consolidation of responsibility for records activities will result from the recent dissolution of the office of the Commissioner of the Land Office, by action of the electorate in the general election of 1966. In January, 1967, this office will become part of the Hall of Records Commission.

The responsibilities of each of these records management offices should be studied. The jurisdiction of the Hall of Records Commission, for example, now covers both current and historical records of the State. As part of its current record activities, it is responsible for determining how long such records should be maintained and which records may be destroyed in accordance with established schedules. This responsibility would appear to be an integral part of any future system of information, data processing, and records management which the State may adopt. In developing future systems, however, care should be taken to insure that any separate allocation of responsibility for current and for historical records does not result in overlapping responsibilities or the duplication of activities and holdings.

For all units under consideration by this Subcommittee, a final area for exploration appears to be that of inter-agency relationships and existing machinery for the full coordination of both program and planning activities. With the continued growth of State government, coordination and the development of tools for efficient and effective planning, both immediate and long-range, will become increasingly important. Some thought, therefore, should be given to the strengthening and development of State governmental processes which can insure that planning will be a continuing and meaningful process.

SUBCOMMITTEE REPORT \mathbf{VI}

FEDERAL-STATE-LOCAL RELATIONS

Federal-state-local relations today present problems of major concern at all governmental levels. The increasing complexity of such relations — involving a variety of intergovernmental programs, interdependent relationships, and often imbalanced patterns of initiative and responsibility — has been recognized and well documented in numerous studies and reports.¹

This Subcommittee's review of Maryland's present and emerging role in federal-state-local activities, and of existing State machinery to support that role, clearly substantiates many of the findings of these earlier studies. Those responsible for the administration of State government are increasingly faced with the task of administering federal and other intergovernmental programs whose requirements and priorities are not always fully coordinated with existing State governmental plans and needs.

For this reason, the Subcommittee has focused its attention upon the impact of contemporary intergovernmental relations on the operations of State government, rather than upon new program possibilities or immediate urban, metropolitan and regional problems.

INTERGOVERNMENTAL RELATIONS TODAY

In very realistic terms, the State today is the focal point for most of the major problems arising from intergovernmental programs and relations. The problems of the center city, the needs of the sprawling, rapidly growing suburbs, and the pressures of emerging urban, metro-

¹This chapter was prepared by the Commission's Subcommittee on Federal, State, and Local Relations under the chairmanship of Dr. Carl N. Everstine. Other members of the Subcommittee included Mr. Richard W. Emory, Dr. Homer E. Favor, Mr. Edmund C. Mester, and Mr. James J. O'Donnell. Staff work for the Subcommittee was directed by Mr. Robert E. Sharkey.

politan, and regional areas, all converge, directly or indirectly, upon the State in some form — whether for resolution of conflict, for program approval, for constitutional or statutory change, for direct participation, or for financial and other assistance. At the same time, federally-initiated programs often require basic changes in, or the development of, special State governmental machinery, expenditures, procedures, plans, or personnel.

The State's ability to respond to contemporary problems, to undertake new programs, or to accept new responsibilities, depends, in large measure, upon the nature of the problem or program involved. In some of its relations with local subdivisions, for example, and in responding to local and metropolitan problems, the State has been able to play a much more positive role in providing leadership, guidelines, and resources for program development than it has in programs and problems involving federal and other governmental relations.

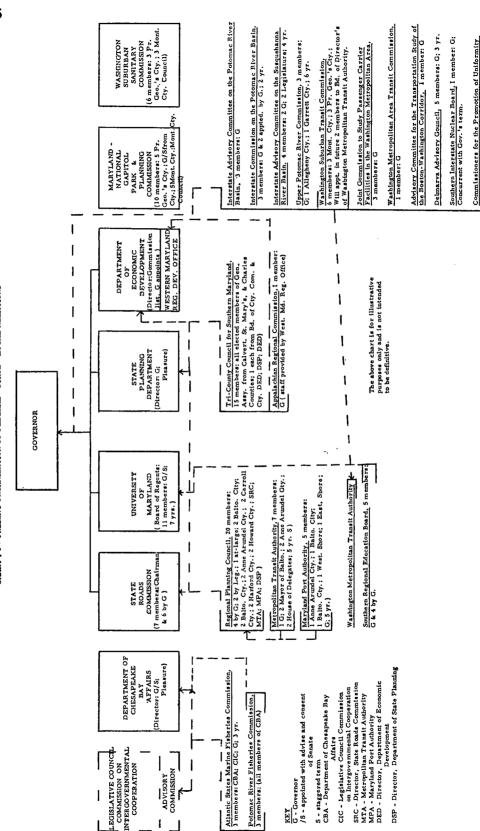
Whatever the reasons for contemporary patterns of federal-state and state-local relations, it is apparent that such patterns have, and will continue to have, a direct impact upon State governmental development. In recent years, the lack of opportunity for direct State participation in the planning and development of major federal-state programs has resulted in the establishment of national program requirements that do not always contribute to effective State performances. In future years, the continued lack of such opportunities may result in the initiation of intergovernmental programs whose requirements disrupt rather than support the plans of the State for its own development.

If the State is to be a prime element in serving the people of Maryland and remain a full and equal partner in the federal-state partnership, it must clearly identify its own position, policies, plans and needs, and, on that basis, both accept and allocate available resources in ways appropriate to the orderly and prompt development of programs and services within the State.

To the extent that the State can modernize its governmental structure and promptly respond to the needs of all its citizens, it will be prepared to play an effective role in the federal system, ready to provide for the needs of its citizens and subdivisions, and to participate meaningfully in the development of intergovernmental programs.

PATHS TO THE FUTURE

To insure an effective role for the State in intergovernmental programs, the Subcommittee recommends the creation of the position of Special



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Assistant to the Governor for Intergovernmental Affairs, with primary responsibility for recommending legislative, administrative, and other guidelines for State governmental participation in intergovernmental programs and for promoting the development and coordination of such programs at all governmental levels.

The Subcommittee recognizes that, as intergovernmental relations become more complex and as new problems emerge, the further development of specific governmental machinery — a division of urban affairs, for example, or the designation of additional staff personnel — may be necessary and desirable.

The Subcommittee recommends that, prior to the development of further governmental machinery for intergovernmental relations, a full examination of the present and emerging role of the State in federal-state-local relations be undertaken.

From its own examination of existing State governmental machinery, this Subcommittee has found that Maryland has already established specific agencies and procedures to perform functions directly related to intergovernmental programs. It is particularly important, therefore, that no extensive governmental changes be undertaken until the roles and responsibilities of present State agencies, the flexibility of existing provisions, and the governmental needs of the State can be fully evaluated.

The Subcommittee therefore recommends that the following alternatives looking toward the modernization of State intergovernmental facilities and resources be explored as concurrent, rather than as mutually exclusive, possibilities.

Planning and Planning Coordination. One of the primary requirements of many federal-state-local programs, and one of the most essential tools for effective program development today, is that of intergovernmental planning coordination.

At the present time, Maryland possesses a central unit authorized to perform comprehensive, State-wide planning activities and to provide local governmental units with such technical assistance as they may require in the preparation of local plans. This unit, the Department of Planning, now performs the basic functions of both State planning and of intergovernmental planning coordination, and, in this role, serves as a major staff advisory unit for the Governor in matters of State and intergovernmental planning.

The early establishment of this Department in Maryland, and its present broad scope of responsibilities and activities, places Maryland well ahead of many states in planning and planning coordination. For this reason, the Subcommittee recommends the periodic review of the

responsibilities and facilities of this Department, to insure the continued coordination of planning activities, rather than the development of additional governmental units for this purpose.

FINANCIAL PLANNING AND RESOURCE ALLOCATION. From the Sub-committee's review of the immediate and long-range impact of the State's participation in intergovernmental programs, it is evident that there is a need, at the State level, to develop facilities which will insure the continuing evaluation of long-range plans for the allocation of available resources.

At the present time, several units of government are concerned with matters of State revenue and expenditure, including the Board of Public Works, the Comptroller of the Treasury, the Department of Budget and Procurement, and the Board and Bureau of Revenue Estimates. Each of these units today possesses adequate authorization to assist the State in estimating the probable revenues, commitments, and future expenditures of the State, as these are evident in existing revenue sources, program commitments, and program plans.

Future study should therefore focus upon three avenues of possible governmental development in the area of financial management and planning: first, the development of specially-trained staff, within existing units, to insure the continuing evaluation of the financial requirements of existing and future intergovernmental programs; second, the creation of a special unit of State government, either within an existing department or as a new, separate unit of State government, with primary responsibilitity for evaluating existing and future resource commitments and for developing guidelines for the future allocation of resources to the several federal, state, and local cooperative efforts; and third, the consolidation of relevant units now concerned with State financial management and planning into a Department of Administration, through which a fuller coordination of the State's financial and administrative responsibilities can be achieved. Since, however, the constitutional base of several of these units now precludes their consolidation, this last alternative for future study would become an avenue of possible governmental development only if preceded by constitutional change.

TECHNICAL ADVICE AND ASSISTANCE TO LOCAL AND INTRA-STATE GOVERNMENTAL UNITS. One of the continuing recommendations of the Advisory Commission on Intergovernmental Relations and of the Council of State Governments is for prompt State action in either creating a new agency or adapting an existing one to aid local and metropolitan governmental development. The roles of the proposed agency range from the resolution of disputes among local units in metropolitan areas to the

establishment of programs of financial and technical assistance for local and metropolitan governments.

At the present time, several State offices now provide certain typcs of assistance to local and metropolitan governmental agencies. The role of the Department of Planning in providing or securing planning advice and assistance to local governments has been discussed above. Each of the major departments of State government which conducts programs at the local level — the Departments of Health, Education, and Welfare, for example — routinely provides such technical advice and assistance as may be requested by local or State governmental units. In addition, the Maryland Technical Advisory Service of the University of Maryland has been created to provide specific services and assistance to municipalities and counties throughout the State.

The Subcommittee therefore recommends that the need for an additional unit of State government charged with responsibility for providing a wide range of advice and assistance to local governmental units be determined only after a full study can be made of the adequacy of the assistance now available to local governments through existing agencies and offices of State government.

STATE LEADERSHIP AND GUIDANCE IN THE DEVELOPMENT OF LOCAL AND METROPOLITAN GOVERNMENT. As indicated above, the recommendations of both the Advisory Council on Intergovernmental Relations and the Council of State Governments for the creation of a special State office of local or metropolitan governmental affairs focus upon both technical advice and assistance and upon a fully-developed State role in planning and guiding the development of local and metropolitan government within the State.

There is, at the present time, no unit of State government specifically established for the purpose of developing legislative, administrative, and other guidelines and programs for metropolitan areas. The Subcommittee recognizes the need to assure a major role for the State in guiding local and metropolitan governmental development. It strongly recommends, however, that efforts to assure State initiative and leadership in this area focus not only upon local and metropolitan governmental development but also upon the broader questions of federal-state-local program coordination at the State and local governmental levels. The Subcommittee feels that such a broader focus will spur the development of State governmental machinery for local metropolitan governmental development. At the same time, it will prevent the creation of multiple units at the State level, each concerned with a specific aspect of what is in reality a broad and interdependent system of intergovernmental relationships.

Intergovernmental Program Coordination and Development. A major problem area identified by the Subcommittee is that of intergovernmental program coordination and development, both at the State and the local governmental levels. Ultimately, whether initiated by federal, state, local or other governmental action, and whether involving direct federal, state, or other governmental participation, major governmental programs converge in and are performed at the local governmental level. The full coordination of all governmental programs at the local level must be provided for, if overlapping of programs, duplication of effort, and the inefficient utilization of resources is to be prevented.

While the Subcommittee has found no major and immediate problems arising from a lack of full program coordination to date, the reports and comments of State governmental officials to the Subcommittee indicate that the development of State governmental machinery or procedures for program coordination purposes would be of substantial assistance to units now responsible for program performance. Particularly important is the need for coordination of State and federal programs with those of governmental units at the local level.

In each of the major areas identified above, the complex interrelationship of existing State governmental programs, units, and processes for intergovernmental relations, and the probability that new governmental units and processes may disrupt or curtail the effectiveness of existing units and processes, are apparent. It is especially important to prevent the unnecessary proliferation of numerous, separate units of State government in intergovernmental relations, since so many of the problems in this area stem from the multiplicity of units whose activities must be coordinated.

